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The Imperial Parliament

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Edited by

Sydney Duxton M.P.

LOCAL ADMINISTRATION

W^m R. KERRIDGE M.P.

ALBERT POOL M.P.

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LOCAL GOVERNMENT AND TAXATION.

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ALBERT PELL, M.P.,
and F. C. MONTAGUE, M.A.,
BARRISTER-AT-LAW.



London :
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PREFACE.

IN order to fall in with the plan of the Series, it has been decided not to encumber this volume with references or quotations. But it has not been intended to take, without acknowledgment, the fruit of other men's labour. For the basis of their work, the authors have taken the invaluable memoranda upon Local Government and Taxation drawn up by Messrs. Wright and Hobhouse in 1884. They have derived much useful information from Mr. Goschen's reports and speeches on Local Taxation; from the Cobden Club series of essays upon Local Government and Taxation; from Mr. Chalmers' work on Local Government in the "English Citizen" series; and from various papers by Major Craigie, well known as one of the chief authorities upon these subjects. Without the assist-

ance thus obtained, they could not have framed any brief or simple statement from the very numerous and very lengthy statutes and parliamentary papers relating to Local Government and Taxation.

The authors also desire to express their thanks to Major Craigie for his kindness in reading and correcting the proof sheets.

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LOCAL GOVERNMENT

AND

TAXATION.

INTRODUCTORY OBSERVATIONS.

BEFORE entering in detail on the subjects of Local Government and Taxation, it seems advisable to state exactly their limits as discussed in this volume. County Government is often understood to mean the government of counties, as distinguished from the government of the smaller areas which have been marked out for purposes of local administration. We all know that counties have their own organization ; that in each there is a county authority which levies a county rate for county purposes ; and that the proposed remodelling of this authority has, for a quarter of a century back, excited a great deal of interest. But the relation in which the county and its authority stand to the smaller areas and their respective authorities, is such that the one cannot be understood apart from the other. The County,

no less than the Union, or the Municipal Borough, is a member in the frame of local government; and out of connection with them and with the other members its real significance cannot be understood. And if the organisation of the county cannot be understood by itself, still less can it be improved by itself. Any comprehension, and, still more, any improvement of local administration, must be of local administration as a whole.

Almost all the failings of the local administration may be traced back to the mode in which it has grown up. Throughout the present century new social wants have been multiplying. Whenever a particular want became so clamorous that it could no longer be ignored, the Legislature provided for it as if it were the only want of society. For almost every new administrative function the Legislature has provided a new area containing a new constituency, who by a new method of election choose candidates who satisfy a new qualification, to sit upon a new board, during a new term, to levy a new rate, and to spend a good deal of the new revenues in paying new officers and erecting new buildings. Thus there has been created, not a system but a chaos; a chaos of areas, a chaos of elections, a chaos of authorities, a chaos of rates, a chaos of returns. This chaos cannot be accurately depicted by any expert without a tediousness and complexity of description which would repel any inquirer. Yet to abate this chaos is a matter of real and momentous interest to every

ratepayer and to every inhabitant of the kingdom. Government is only the highest form of business; and, as in every other form of business, so in government, the absence of unity, simplicity, method, and constant intelligent control by the persons interested, means weakness, indolence, extravagance, and, very often, dishonesty on the part of their agents. Our local administration has proved no exception to this rule. It lays heavy burdens upon the ratepayers, who content themselves with murmuring in a useless, undignified fashion. It often does, and often does not, make a considerable return for the impositions which it levies. But, in the one case, unrequited public servants labour for a constituency which hardly understands what they are doing. In the other case, unconvicted culprits waste at pleasure the resources of a people too busy to mind its own business.

The only way to amend our local administration is to simplify it. It cannot be simplified by any one who has not taken a comprehensive view of its present state, as well as of the needs which it ought to satisfy. Thus, no useful account of County Government and Taxation is possible apart from an account of the entire system of local administration in England and Wales. There is only one exception to this statement, and that exception is furnished by the Capital. London is so vast a city that its administration would afford superfluity of material for another volume of this series. London has its peculiar problems, its peculiar resources, its

peculiar and admirable abuses and absurdities in administration. Some of the bodies which take part in the local government of London are of types common in other places; others are of types perfectly unique. The School Board for London is one of many school boards; the Metropolitan Unions are of kin to Unions elsewhere. On the other hand, the Corporation of the City of London is the last Municipal Corporation which has escaped reform; and the Metropolitan Board of Works and Metropolitan Asylums Board are wholly exceptional bodies. Thus an account of local government and taxation in the rest of England could not fail to mislead, if taken as an account of local government and taxation in London also.

Again, for those who turn from the present to the future, the same distinction recurs. The reform of local administration cannot proceed upon quite the same lines in London and in the Provinces. Suggestions for improvement in the counties may not admit of application to London; and suggestions for improvement in London will have still less application to the counties. The government and taxation of London are subjects beyond the scope of this volume. They will not be dealt with here, although incidentally statements made here may have application to them.

The plan of this volume may be briefly stated. The first part will deal with local administration as now existing. It will begin with a brief description of the government of the county. It will then review the

13 smaller administrative areas, the authorities which severally preside over each, and the distribution of administrative duties between them. It will conclude with a sketch of the present condition of local finance, the natural and necessary result of the present condition of local government. This survey of the actual state of affairs will suggest some ideas for its amelioration, which will be stated in the second part.

The second part will begin by indicating the principles upon which the smaller areas and their authorities may be consolidated. This consolidation will supply a solid basis for the reconstruction of county government. How the county government may best be remodelled, and how its functions may most usefully be enlarged, will be the next subject of inquiry. A few remarks upon the reform of local finance will naturally follow upon what has been said respecting the reform of local government, and will conclude the volume.

It should be added that this volume does not profess to deal with local administration elsewhere than in England and Wales. To treat of local self-government in Ireland would require a volume. Local institutions in Scotland have a character of their own. Most of the principles here laid down are, notwithstanding, applicable to both of the sister kingdoms.

PART I.

LOCAL GOVERNMENT AS IT IS.

CHAPTER I.

THE COUNTY AND THE JUSTICES FOR THE COUNTY.

OVER and above the counties of England and Wales, properly so called, the Isle of Ely, the Liberties of Peterborough, Ripon, Cawood, and Haverfordwest, as well as eighteen boroughs described as counties of cities, or counties of towns, are for many purposes treated as separate counties. Setting these aside for the present, we find that the county proper varies very much in size and population. Its boundaries are intersected by the boundaries of every other area—excepting the Petty-Sessional division, at present in use for the business of local administration. Its boundaries harmonize with the boundaries of the Petty-Sessional division merely because the latter is a subdivision of the county, made by the county authority. The Petty-Sessional divisions are marked out by the justices in quarter sessions for a fixed term of years ; for ten years in the case of a general division of the county, and for twenty-one years in the case of a division made specially for any one part of the county. A Petty-Sessional division may consist of any number of parishes or parts

of parishes. But at least five justices must reside within its bounds at the time of its formation. Its uses will be hereafter explained.

The area and organization of the county are used for Imperial as well as for Local purposes. Thus they are used for the maintenance of the Queen's peace, for the militia, for the local administration of justice, and for parliamentary representation. The sheriff and lord-lieutenant are officers, not of the Local, but of the Imperial government. But the local government of the county is entirely in the hands of the justices. The justices are chosen by the Crown from the persons recommended by the lord-lieutenant. Their property qualification may be either an estate in possession of £100 a year, or an estate in reversion of £300 a year, or two years' assessment to the inhabited house duty at £100 a year. A justice is always a justice of the whole county, and may lawfully exercise his authority anywhere within its limits. Every justice is entitled to appear in general or quarter sessions, and in such sessions he acts for the county at large. But on all other occasions he acts only in his own petty-sessional division. Any two or more justices acting in their own division constitute a petty sessions. A petty sessions summoned by special notice to all the members of the petty-sessional division constitutes a special sessions. In the discharge of their administrative duties the justices in quarter sessions have the help of a county treasurer, surveyor, and other officers.

The principal functions of local administration entrusted to the justices of the county concern county bridges and main roads, the maintenance of shire halls and other county buildings, the county police, the county asylums, the granting of licenses, the execution of various Acts of Parliament, such as the Contagious Diseases (Animals) Act, and the control, by way of appeal, or otherwise, of various minor local authorities. Let us take these duties one by one.

I. As to Bridges and Highways. At common law the inhabitants of a county at large are originally liable to repair all public bridges in the county. But by usage, prescription, or ancient tenure, this duty may be cast upon a hundred, parish, township, or individual. The obligation laid by common law upon the county has been confirmed by statute, and not only the bridge, but also the approaches thereto, if the bridge was built before 1836, are to be repaired by the county. In the case of bridges built since 1836, the maintenance of the approaches and of the roadway supported by the bridge are in the province of the highway authority. With respect to main roads, the duty laid upon the county authority is of very recent date. Great hardships have in our own time arisen from the disappearance of turnpike trusts, and the consequent transformation of turnpike roads into ordinary highways. Such highways are maintained by the highway authority, and in many

instances the highway authority has the parish for its area. It has often happened that the burden of maintaining these roads fell on one set of persons, whilst the benefit of using them was enjoyed by another. Thus agricultural parishes often found themselves charged with the maintenance of highways leading to and from large towns or important railway stations. These parishes were unequal to the task, and many disturnpiked roads rapidly fell out of repair. Accordingly an Act of Parliament of 1878 created a new class of roads known as main roads, comprising all those which since 1870 had ceased to be turnpike roads, and all those which, on the application of a highway authority, the county authority declares to be main roads. "Main roads" are kept up by the highway authority, but the county authority, on a certificate of the county surveyor, contributes one-half of the expense. Such is our clumsy method of patching undeniable rents in the web of local administration.

The county authority further possesses a general power of control over highways. Should a highway authority fail to maintain in good order the roads within its jurisdiction, the county authority can order it to fulfil its duty. Should it persevere in disobedience, the county authority may do the work and charge the cost upon the revenues of the highway authority. The county authority has also certain powers of making byelaws for the better regulation of the traffic on highways.

II. The maintenance of Shire Halls and other County

Buildings. But this is not a function so important as to deserve any detailed notice in an elementary sketch of county government.

III. The County Police, which forms only a part of the general police organization. The borough police, the canal and river police, and the special constable, will be noticed hereafter. For police purposes the county includes liberties (with one or two exceptions, such as Peterborough), but excludes all municipal boroughs in which a separate force has been established. The county in this sense further excludes certain special jurisdictions. Detached fragments of a county are merged in the county in which they lie. Adjoining counties may adjust their boundaries so as to include in one area the whole of any divided town or place, or in order to obviate the bad effect of other irregularities. Thus, the county, for purposes of police, may well be different from the county for all other purposes.

The police force of a county consists of a number of superintendents, officers, and men fixed by the quarter sessions. The quarter sessions appoint a chief constable, who is entrusted with the direction, control, appointment, and dismissal of the superintendents, inferior officers, and privates. The superintendents report periodically to the petty sessions, as does the chief constable to the quarter sessions. But in respect of their police jurisdiction, the quarter sessions are subject to the control of the Secretary of State. His consent or approval is necessary in fixing or altering the number

of men and officers in the county force, in the selection of the chief constable, in establishing rules of discipline, in determining scales of fees and allowances, in constituting districts, and in assigning items to the district expenditure. He, too, appoints inspectors, who report to him, and on whose certificate depends the grant of a subvention from the Treasury.

IV. For the purposes of the Lunacy Acts, the county again is not the only area. The area of the borough is also used, although most boroughs are merged in their respective counties. Again, the county itself is not for the Lunacy Acts the same area which it is for other purposes. Thus, for these Acts, every riding or division of a county is alike reckoned as a separate county. So, likewise, is every county of a city or county of a town which has a separate court of quarter sessions. In one instance three counties have combined to provide for the accommodation of their lunatics. The acting authority in lunacy is a committee of visitors appointed by the justices. If any area has more than one asylum it must have a separate committee of visitors for each. Minute provisions have been made for the combination of lunacy authorities with each other or with private undertakers. The combined authorities appoint a joint committee of visitors, and the joint committee may, with the consent of the Secretary of State, dissolve the combination. The Lunacy Commissioners in all instances possess large powers of regulation and of supervision.

V. For the purpose of granting licenses both the borough and the county are separate areas. The county, for this purpose, includes all boroughs which have no separate commission of the peace. The justices in quarter or in special sessions are the licensing authority for the sale of intoxicating liquors. The justices of each petty-sessional division hold once a year a general meeting for the grant of new, and the renewal or removal of old licenses. They likewise meet in special sessions several times a year to sanction, when necessary, the transfer of existing licenses. New licenses and orders sanctioning removals have to be confirmed by the county-licensing committee appointed by the justices in quarter sessions. The quarter sessions also hear appeals against refusals to renew or transfer licenses, even when such appeals are from decisions of the justices of a borough.

Liberties with separate quarter sessions are counties for the purpose of licensing, but appeals lie alternatively to the quarter sessions of the liberty, or to the quarter sessions of the adjoining county.

Licenses for billiards are granted, renewed, and transferred in the same way as licenses to sell intoxicating liquors ; but they do not require confirmation. Licenses of buildings for the performance of stage plays are granted in counties by the justices of the petty sessional division. The justices must, on application, hold a special sessions for this purpose, and they may make regulations to secure order and decency in theatres.

Such regulations must be approved by the Secretary of State. Finally, places for music and dancing situate within twenty miles of London and Westminster must be licensed by the justices in quarter sessions.

A variety of licenses for purposes other than those of entertainment—such as licenses for knackers' premises, for dealing in game, for keeping explosives or petroleum, or for acting as a pawnbroker, a passage broker, or an agricultural gang-master—must all be obtained from the justices in special or petty sessions.

VI. The enforcement in each county of various Acts of Parliament is specially entrusted to the justices. Thus, under the Weights and Measures Act of 1878, the quarter sessions are charged with providing local standards of weight and measure, and means for verifying weights and measures by comparison with these standards. The quarter sessions also appoint inspectors of measures and weights, mark out their districts, and regulate their proceedings. So, too, under Acts intended to prevent the adulteration of food and drugs, the quarter sessions may appoint public analysts. Under the Contagious Diseases (Animals) Act the quarter sessions appoints paid inspectors, and exercises a large discretion in the isolation or slaughter of animals suffering from disease or threatened with infection.

VII. The Justices in special or petty sessions discharge various other administrative duties, appointing overseers of the poor, revising jury lists, allowing rates,

and so forth. Formerly the justices were entrusted with the duty of providing and maintaining prisons. But within the last few years this duty has been transferred to commissioners appointed by the Secretary of State. The quarter sessions still appoint out of their own number a visiting committee who inspect the prisons and report to the Home Office. The transfer of prisons in 1878 from the care of the local to that of the Imperial authority has been followed by a reduction in the number of prisons and in the charge for each prisoner, as well as by a greater uniformity of discipline.

One or two instances of the control which the justices of the county exercise over inferior authorities have already been mentioned. Other instances can most conveniently be noticed when those authorities come to be severally considered.

Such, then, with the exception of those relating to Finance, which will be considered later on, are the powers and duties of the County Government. But the reader is already in a position to estimate the real importance of existing county government. When he considers that the county is the largest, and if not the most ancient, at least the most famous subdivision of this realm; when he considers that its administrators have been drawn almost exclusively from that class which for many generations has been incomparably the most powerful in rural England, he may be inclined to wonder that

the county has so small a political or administrative significance, that the county government has not drawn to itself more authority. He finds that, apart from delegated duties of an Imperial character, the only weighty function of county government is the granting of licenses to sell liquor. If he compares these functions with the functions of providing for the public health, for elementary education, or for the relief of the poor, he will at once perceive that the stress of local administration does not fall upon the justices in quarter sessions or in petty sessions; that they have not to encounter the most serious problems, or to incur the heaviest expenses of administration. Their tasks are slight, and do not vex the natural tranquillity of rural life.

Such, however, as are the duties of the county government, they have been honestly and decently performed. A reformer of local government would be in the wrong to rail at the country gentleman. The country gentleman, born to rank and wealth which left him in no way dependent for his well-being upon an energetic administration, and which conferred a dignity beyond that of administrative promotion, was not likely to be a very alert or indefatigable ruler. But he has been remarkably frugal, and, on the whole, disinterested. If it may be said, on the one hand, that the county justices have not equalled the skill, the energy, and the public spirit of our best town councils, on the other hand it must be allowed that they have not rivalled the pro-

fligate wastefulness and dense incapacity of many obscure administrative bodies. They have not often perpetrated the grosser kind of jobs; they have imposed no heavy taxes; they have incurred no considerable debt. Were an elective board to succeed this instant to the powers of the quarter sessions, it would in all likelihood expend much more than its predecessors have ever expended, and by no economy possible to any existing public body could it expend much less.

But then, it may be asked, if the present county government has little to do, and does that little fairly well, why should we meddle with it? The answer is twofold.

On the one hand, the county government ought to do a great deal, and any large or comprehensive reform of local administration must throw a great deal of new work upon the county government. Those who are not prepared to carry out a comprehensive reform should let county government alone. Another board added to the Babel of boards could do little good, and would assert itself chiefly in levying new rates. When, however, the lesser areas of administration have been consolidated; when each of the lesser areas has been confided to one, and only one, authority; when municipal business has everywhere been made interesting and intelligible; when municipal spirit has everywhere been awakened, then there will be room for a vigorous and popular county government, eager to use the strength which its constituents are ready to

supply, able to supervise inferior authorities, and to take over all really local business from the over-tasked Imperial administration and the paralysed Imperial Parliament.

On the other hand, a county government which is to fill its proper place in the national organization, must necessarily be elective. That the county should be governed by nominees of the Crown and members of one class has long been felt to be anomalous. This anomaly will be felt more and more keenly as democratic ideas become more and more diffused. The continuance of this anomaly makes it impossible to enlarge the functions of the present county government. That government has been able to endure so long chiefly because it did so little. If we want a county government which is to do a great deal it must be directly representative. A county government at once representative and powerful might do something to awaken a feeling almost extinct in the mind of the English farmer, and altogether extinct in the mind of the English peasant—that sense of communal and provincial life which sustains and invigorates national patriotism, and reminds each member of an ancient, a famous, and a mighty people, that he does not discharge every civic and social duty by sauntering up to the polling place once in every five years.

Representative county government might indirectly give a fresh stimulus to the prosperity of our rural

districts. Many instances might be adduced from the history of the Continent in our own century to show that self-government, local as well as national, develops an energy and intelligence which renovate industrial life. With us all rural industries have been for several years in a very depressed state. The misfortunes of the country people have been aggravated by a certain stiffness of mind, a lack of flexibility and of enterprise in adapting themselves to totally new conditions of agriculture. Any change which enriched them with new interests, strengthened their public spirit, raised them in their own opinion, and encouraged them to study their own affairs, would make them not only better citizens, but also better men of business. In this way a judicious reform of county government might make the farmer a more prosperous by making him a more capable man. It would certainly effect more in this way than in the way of reducing the county rate, now comparatively insignificant.

CHAPTER II.

THE SMALLER ADMINISTRATIVE AREAS AND THEIR SEVERAL AUTHORITIES.

ORGANIZATIONS, other than that of the County, do by far the greater part of the work of local government. A single type may perhaps be discovered amid their variations; but the type is faint, and the variations manifold, intricate, irrational, and vexatious beyond description. These variations rarely have the charm of antiquity, for almost all have grown up within the possible compass of a single human life. They have not the justification of usefulness, for they have not their root in clear or comprehensive principles of any kind. All the formal vices of English legislation, the unreasonable limitation, the bad drafting, the mangling which is called amendment, the hundreds of lengthy reported cases, often obscure, and sometimes conflicting, which is called elucidation,—all these are most abundantly illustrated in the Acts of Parliament and judicial decisions which deal with the subject of this chapter. In the preface to his admirable little book upon "Local Government," Mr. Chalmers tells us that there are

about 650 Acts, or fragments of Acts, of general application to local affairs; that these public Acts are supplemented by some thousands of local and special Acts, which apply to particular towns and districts, and accumulate at the rate of about sixty a year. After this the reader will learn with a sense of resignation that even the total number of local authorities cannot be clearly ascertained. The local taxation returns, last published, do not acknowledge the existence of much over 13,000 local authorities for England and Wales, but Mr. Chalmers, reckoning in all parish overseers, states the total of those which levy rates at upwards of 27,000. Such is the machinery judged needful for administering the local affairs of a country little more than one-fourth the size of France.

All that can be done, within the compass of this chapter, is to enumerate the principal administrative areas other than the county, stating what authority presides in each, and how it is constituted; and then to show how the principal administrative duties are shared among these areas and authorities. The areas and authorities for local administration must be discussed apart from the matters locally administered. This may seem a forced distribution of the subject. But it is unavoidable. It is one of the unfortunate peculiarities of English local government that no regular apportionment of the several functions between the several authorities can be traced. It is necessary to distinguish under separate heads the needless multipli-

cation of authorities which have to do the work, and the needless parcelling out of the work to be done.

Of areas and authorities some are to be found everywhere throughout England and Wales ; others are to be found scattered here and there over the kingdom. To the former class belong the poor law Parish and Union ; to the latter class belong the Municipal Borough, the Local Board district, the Improvement Act district, the Highway district, and others. For some purposes, and more especially in relation to the county, the parish and the union are more important because they are universal. Moreover, they stand in close relation to one another. They are, therefore, entitled to come first in a general survey.

The history of the Parish affords an excellent illustration of the way in which our local institutions have grown up. Most Englishmen have heard of the parish church, or of "coming upon the parish," but they are seldom aware that there are at least five varieties of the parish. Long before the Norman Conquest the land had been divided into hundreds, and the hundreds into townships. The Township was the social and political unit of Anglo-Saxon England. It had a popular government of its own ; its members held regular assemblies, and sent representatives to the courts of the hundred and the county. Under an elected tything man or head borough, it was organized for the maintenance of the peace.

The township dates back to the heathen period of English history. When England became Christian, and was organized for ecclesiastical purposes, the primary area of civil usually became the primary area of ecclesiastical government. But this was not always the case. Ecclesiastical parishes were not mapped out by Act of Parliament, but were gradually defined by local convenience or prejudice. In the rich and populous south a parish often contained but a part of a township ; in the poor and ill-peopled north several townships were often comprised within one parish. The determination of our ecclesiastical parishes was probably completed in the days of Edward I.

Meanwhile, the township had in most places been merged in the manor, and the manor court superseded the township court in the business of civil government. The Vestry also grew up as the ecclesiastical authority in the ecclesiastical parish. But in the year 1535 the churchwardens were for the first time charged with the relief of the poor, and thus the ecclesiastical parish became an area for civil purposes. The parish in this sense may be described as the ancient civil parish.

The modern civil parish—the parish which enters into our present system of local government—has been created by Act of Parliament. It means the place for which a separate poor rate is, or may be made, or a separate overseer is, or may be appointed. We have seen that the ancient civil parish coincided with the

ecclesiastical parish, which sometimes comprised several townships. Each of these townships has often been erected into a modern civil parish, and separate overseers have been appointed for each. Thus the modern civil parish coincides neither with the ancient civil parish, nor with the ecclesiastical parish—whether descended from the Middle Ages, or hacked and hewn out by Church Building Acts of modern date—nor with the highway parish, which we shall examine hereafter. There is a rich variety of parishes.

This volume, however, is concerned only with the Poor Law Parish. The number of such parishes in England and Wales is about 15,000, out of which perhaps 5,000 are townships or other fractions of the ancient civil parish. They are very unequal in size and population. In the year 1878 there were 788 parishes containing fewer than 50, and 6,000 containing fewer than 300 souls; but their average population may be estimated at 1,700. No powers have been provided for the consolidation of small parishes; nor any powers for the division of a large parish, otherwise than by a Provisional Order of the Local Government Board, made upon the application of one-tenth in value of the owners and ratepayers. Their boundaries never cut the boundaries of unions, and rarely those of counties, but very frequently cut the boundaries of boroughs and urban districts of all kinds.

The parish organization consists of a vestry with

certain officers. Vestries are either common or select; when common, including rated inhabitants; when select, composed of members chosen by all the rated inhabitants. In the former case, the voting power of every inhabitant is graduated according to his ratable value, in the latter case it is uniform. But in no instance can an inhabitant have more than six votes. The rector or other incumbent is *ex officio* chairman of the common, or a member of the select vestry. Upon the select vestry the churchwardens also sit *ex officio*. Twelve representatives are allowed for every thousand inhabitants; but in no case may the numbers of the vestry exceed 120. In any parish which contains at least 800 householders, the principle of a select vestry may be adopted by a two-thirds vote, consisting of a majority of all the householders who have been rated for one year. There are also select vestries regulated by local Acts, or appointed pursuant to local usage, without any Act at all. But these need not be considered here.

The principal civil officers of the parish, the overseers of the poor, are annually appointed by the justices. Churchwardens in parishes, where there are any, are associated as overseers with the persons nominated to that office. Overseers must be substantial householders, and their service is compulsory. Where there are no inhabitants fit to serve, an inhabitant householder of an adjoining parish may be appointed overseer. But he can be appointed only with his own consent, and he is entitled to a salary. The overseer has other duties

besides those relating to the relief of the poor. Thus he makes out the lists of jurors and of parliamentary voters and burgesses.

The vestry may elect one or more salaried assistants to perform any or all of the duties of overseer, and their election is ratified by the justices. But the vestry cannot appoint such assistant overseers in any case in which the board of guardians have already appointed a collector for the parish. In parishes exceeding a certain size, the vestry may, under an order of the Local Government Board, elect a permanent paid vestry clerk. The overseers, however, are not relieved from any responsibility by the appointment of any of the above officers, and every parish officer employed in the relief of the poor may be dismissed at the discretion of the Local Government Board.

Unlike the Parish, the Union has a very short history. The existing unions were organized under the Poor Law Amendment Act of 1834. Their boundaries never cut the boundaries of poor law parishes, for the union is simply an aggregation of such parishes. But the boundaries of unions frequently do not conform to those of boroughs or of counties. In the year 1882, 176 unions included parts of two or more counties, and of these 29 were each in three counties, and 4 were each in four counties. Out of a total of 617 unions, only 8 were co-extensive with municipal boroughs. Only two counties, Northumber-

land and Cumberland, have boundaries coincident with those of unions.

A market town was usually chosen to be the centre of the union. The union was designed to be of such a size as would permit the guardians to acquaint themselves personally with the details of their business. But in some cases the situation of an existing workhouse, in others the limits of unions established under former Acts, and in others a variety of local circumstances or feelings, modified the working of any general principle. Thus in size and population unions are extremely different. The West Derby (in Lancashire) union contains 120 times as many people as are to be found in the union of Hoo (in Kent). But the average population of a union may be taken to be about 45,000. The Local Government Board has power to dissolve old and to form new unions. With the consent of the guardians interested, it may, for any purpose of poor law relief, unite two or more unions, and invest a joint committee with powers extending over the combined area. Unions and parishes may also be combined into districts for pauper schools, or asylums for the houseless poor. Finally, the Local Government Board may break off from an existing union any parish or parishes and constitute the fragment into a separate union.

For the union, the authority is the board of guardians. This board consists, firstly, of the guardians residing within the union, who sit in the first instance; secondly, of guardians elected by the ratepayers.

parishes. Small parishes may be grouped for purposes of representation, but every parish with 300 inhabitants must have, at least, one representative. A large parish may for the same purposes be divided into wards. The electors are the owners and ratepayers of each parish, but the owners have to claim their votes. As owner or as ratepayer each elector may have any number of plural votes not exceeding six, one vote for every £50 rating. If qualified both as owner and as ratepayer, he may vote in both capacities, and, on the most favourable footing, give twelve votes. Non-residents may vote by proxy, and corporate bodies by their officers.

A guardian's qualification is fixed by the Local Government Board, within the limit of £40 rating. The usual officers of a board of guardians are a clerk, a treasurer, registrars of births and deaths, medical, vaccinating, relieving, and workhouse officers. The board may also employ a paid valuer and paid collectors. They may form committees for the relief of the poor in districts of their union, and must every year appoint an assessment committee for purposes of valuation.

The Local Government Board has large powers of control over guardians. Firstly, they may issue general orders to regulate the election, meetings, and procedure of guardians; the mode and conditions of outdoor relief; the management of workhouses; the manner of getting contributions from parishes; the appointment, payment, and dismissal of officers; the accounts of the

union ; and generally all matters relating to the execution of the laws made for the relief of the poor. Secondly, they may issue special orders under special provisions of the law, or enforce the performance of duty in particular cases. Thirdly, they appoint district auditors, who audit, under their control, the accounts as well of the parish as of the union, and have power to disallow and surcharge illegal payments. An appeal lies from the auditor's decision, but even if it succeed the costs are settled by him, and paid by the union or parish appealing.

Of the areas for local administration which are scattered over the surface of England and Wales, the Municipal Borough is much the most important. There are nearly 250 municipal boroughs containing nearly 9,000,000 people, and of a rateable value exceeding £35,000,000 sterling. These boroughs vary in population from 2,000 to 500,000, and in rateable value from less than £10,000 to more than £3,000,000. No uniform principle has regulated either the grant of municipal privileges or the tracing of municipal boundaries. The limits of the municipal borough often intersect those of parishes and counties, and are as often intersected by those of unions. They frequently fail to coincide with the limits of the corresponding parliamentary borough and sometimes with the limits of urban sanitary district bearing the same name.

Boroughs are governed by corporations composed

a mayor, aldermen, and burgesses, and acting by a town council. The burgesses ordinarily consist of persons qualified by occupation of a building within the borough, and by residence within seven miles of it, as well as by being rated to and by payment of the poor and borough rates. In many boroughs there are freemen and other customary burgesses. The burgesses elect the town councillors, and any one qualified to vote in the election may himself be elected. Where the borough is divided into wards, each ward elects a proportion of the councillors. The councillors vary in number from twelve to forty-eight, and elect the mayor and aldermen from among their own number, or from among the persons qualified to be councillors. The number of aldermen is one-third of the number of councillors, and a councillor vacates his office by becoming an alderman. The mayor holds office for one, the aldermen for six, and the councillors for three years respectively. The mayor, aldermen, and councillors united make up the town council. The council appoints all necessary officers, and such general or special committees of its own members as it thinks proper.

In every borough the mayor and the last ex-mayor are justices of the peace for the time being. A separate commission of the peace has been granted to many boroughs, and may be granted to any others. Such a separate commission does not of itself exempt from the county rate, or derogate from the right of the county justices to act in the borough at petty

sessions, or in matters concerning the borough at quarter sessions. It only enables the borough justices to act in the borough as if they were county justices acting in and for a distinct petty-sessional division. But in practice it is rare for the county justices to sit in a borough having a separate commission of the peace. Such a borough, too, is a separate licensing division. No qualification by estate is required for its justices. They have a clerk to assist them in their office.

The Crown may further grant to a borough a separate court of quarter sessions, held, not by the justices, but by the recorder as sole judge. We shall afterwards have to consider the effect of this privilege on the finances of the borough.

Besides boroughs, there are other urban organizations for local government. Of these, the most numerous are the Local Government districts constituted under the Public Health Act of 1875, or under the Acts which it repealed. There are nearly 700 such districts in England and Wales. Some of them are also municipal boroughs. The occasions of forming them, their extent, and their outline are very various. The people of a neighbourhood were led to avail themselves of the Acts relating to Public Health, in some instances by the need of a proper sanitary regulation; in others by the wish to avoid highway expenditure; and in others by the fear of inclusion in some alien urban area. Owners of particular properties have opposed

the establishment or modified the outline of local government districts. Thus it is not surprising that their boundaries should be even more fantastic than those of other areas. They overlap the parish, the union, and the county. Parts of three counties, of two unions, and of four parishes, are comprised in the local government district of Mossley, in Lancashire. These districts vary in population from 200 to 130,000. The Local Government Board has powers to alter or combine them; but can seldom exercise such powers without the consent of the local authorities concerned, or otherwise than by provisional order. Upon a vote of the inhabitants, or without a vote, if the confirmation of Parliament be obtained, it can constitute new districts.

Local government districts are governed by incorporated boards, whose numbers are in the discretion of the Local Government Board. Every owner and ratepayer in the district is an elector, and the scale of voting is the same as in the election of guardians. Members of the board must have a property qualification, varying according to the population of the district, and must in all cases reside within a radius of seven miles. They hold office for three years, a third part retiring annually. Where the district is divided into wards, each ward elects its own proportion of members.

Improvement Act districts have been constituted under local Acts of Parliament for objects resembling those of the local government districts. They are

governed by trustees or commissioners elected in various ways, according to the various provisions of the special Acts. There are about fifty-four of these districts, and some are also municipal boroughs.

The Highway district is, in rural districts, the chief, but not the only, area charged with the maintenance of highways. For this purpose the law recognizes three distinct kinds of area, and four distinct kinds of authority.

The first highway area is the rural parish. In March 1883, 6,476 parishes in England and North Wales were still highway areas ; but inasmuch as many hamlets, villages, and tythings, which are not poor-law parishes, are, in virtue of local custom, highway parishes, it results that the parish is one thing for poor relief, and another thing for the maintenance of highways. If the parish contain more than 5,000 inhabitants, the vestry may elect a highway board, but otherwise the sole care of its highways is entrusted to the parish surveyor. Considerably more than 40,000 miles of highway are under the control of this primitive organization.

The second highway area is the highway district formed by the aggregation of rural parishes. In March 1883 there were in existence 357 such districts, composed of 7,634 parishes, and maintaining upwards of 60,000 miles of highway. South Wales, the Isle of Wight, urban districts, and places under

local road Acts, have been expressly excluded from the operation of the Acts under which these districts have been formed. In other places the Acts apply only where quarter sessions so order upon the petition of five justices of the proposed district. Thus it comes about, that highway districts are very unequally dispersed over England. Some counties have been completely divided into highway districts. Not one highway district is to be found in others. Moreover, the quarter sessions decide not only upon the creation, but also upon the definition of each district. For its limits they have chosen sometimes those of the union, sometimes those of the petty-sessional division, and sometimes limits altogether new. The quarter sessions have also power to dissolve highway districts once formed, and by the exercise of this power the number of highway districts has been slightly diminished of late years. The highway board of each district is composed partly of the justices resident therein, and partly of waywardens, elected by its several parishes. The board must appoint a treasurer, clerk, and district surveyor. Its functions answer to those of the surveyor in a highway parish. Whenever a highway district is or becomes coincident with a rural sanitary district, the sanitary authority may apply to the county authority, stating that they are desirous to exercise the powers of the highway authority in that district. The county authority may thereupon invest the sanitary authority with all such powers, and the sanitary authority

becomes the highway authority for that district. 5,100 miles of road, in 600 parishes, are now in the care of the rural sanitary authorities. This consolidation of authorities has been carried farther in Kent than in any other county.

The third highway area is the urban sanitary district, and this in turn may be either the borough, the local government district, or the Improvement Act district, each under its appropriate authority. The total mileage subject to such authority cannot be ascertained.

In addition to all these areas and authorities, a few turnpike trusts still survive. The last will have expired before the close of this century. Finally, there prevails in the six southern counties of Wales an organization for the maintenance of highways quite different from any of those above described.

In each of these counties all roads are under the general control of a County Roads Board, composed of representatives of the justices, together with representatives of subordinate bodies and certain *ex officio* members. Each county, again, is divided into districts, and these districts are organized in one way for the maintenance of turnpike roads and in another way for the maintenance of ordinary roads. For the maintenance of turnpike roads there exists within every district a District Board, of which all resident justices are members. Vacancies on this Board are filled up by co-optation. It does its work under the superintendence of and with funds and material supplied by the

County Roads Board. For the maintenance of roads other than turnpikes, there exists within every district a Highway Board. The district presided over by the Highway Board need not necessarily coincide with that presided over by the District Roads Board. The Highway Board is made up of resident justices and of guardians elected by parishes within the district. It charges upon each parish within the district the cost of the highways within that parish. It appoints its own clerk and treasurer, but the County Roads Board in every instance appoints the surveyor. In this last particular the power given to the County Board is most beneficial; for nothing can be more important or is more neglected by English Highway Boards than the choice of a proper surveyor. Under the above system roads are maintained at rather less than half the average cost in England.

Such, then, are the principal, but only the principal, areas and authorities, other than the county and its justices, now existing for the purposes of local government. Many others might be added to the list. Thus many districts have at various times been organized for land drainage and defence against water. These districts have been entrusted sometimes to courts of commissioners appointed under the Great Seal and sometimes to elective boards. But any further enumeration would exhaust, not the subject, but the memory.

Nor is it the number of these organizations which is

most remarkable or most blameworthy. It is the overlapping of areas, the doubling of authorities, the random way in which areas have been defined, and authorities constituted, the habit of legislating for every single branch of local administration, without ever glancing at local administration as a whole, the utter absence of method, principle, or plan,—it is all this which makes the complexity of our local government a bewilderment, a disgrace, and an intolerable public nuisance. *The Imperial administration is not altogether perfect. The Imperial revenue is not always laid out to the very best advantage. But suppose that instead of one, there were seven or eight Imperial administrations, and seven or eight Chancellors of the Exchequer. How long would the empire continue to exist? Yet such a comparison gives but a very faint idea of the dismemberment of power and responsibility in the conduct of local affairs. For it is not as though each one of the horde of local authorities had one and only one thing to do. We shall see that there has been the quaintest distribution of duties among this motley crowd of public servants. We shall see that the various local authorities have, as it were, drawn lots to decide what each should do.

CHAPTER III.

FUNCTIONS OF THE AUTHORITIES OF SMALLER ADMINISTRATIVE AREAS.

THE functions of the county government have been already stated. There remain the functions of those authorities who preside over areas less than the county. The principal of these functions are the Relief of the Poor, the maintenance of Elementary Schools, and sometimes of Lunatic Asylums, the business of Police and of Licensing in so far as it is not performed by the county authority, the care of Public Health, and of the Dwellings of the Poor, the providing Places of Burial, the construction and repair of Highways, and the business of Land Drainage and Defence against Water. Only less important than these are the duties of providing for Registration of Births and Deaths, for Vaccination, Public Libraries and Museums, for Lighting and Tramways. Did the public but realize how much is entrusted to local administrators, local administration might almost excite a general interest.

In one instance only is it possible to give a rule of universal application. The Union is everywhere the

area, and the Board of Guardians is everywhere the authority charged with the Relief of the Poor.

For Elementary Education no new area has been devised. For school boards in every case either the borough or the poor-law parish is adopted. Where a parish is but partially included within a borough, the excluded part is treated as a distinct parish.

The Education Department has power to unite school areas, to merge small parishes in large, and to form contributory districts. The school board is elected in boroughs by the burgesses, and in parishes by the ratepayers. A school board may be elected anywhere, and must be elected in any district where the public elementary school accommodation has been found insufficient. Where such accommodation has been found sufficient, and a school board is not desired, a school attendance committee must be appointed to enforce the law forbidding the employment of all children under the age of ten, and of all illiterate children under the age of fourteen years. This committee is in a borough appointed by the town council, in certain urban sanitary districts not boroughs by the urban sanitary authority, and in a rural union by the board of guardians.

Schools for pauper children, other than workhouse schools, may be provided by combinations of unions or of parishes not in any one union. Such combinations are formed by order of the Local Government Board, but with the consent of the majority of guardians in each union or parish. The guardians elect qualified rate-

payers to sit with the chairman of boards of guardians upon the board for such a district. Reformatory and industrial schools are usually established by private persons, and are supported chiefly by a State grant, conditional upon an inspector's certificate. The local authority seldom contributes much; still more rarely provides such institutions for itself.

Boroughs having a separate quarter sessions are like counties areas for the purposes of the Lunacy Acts. As in the county, so in the borough, a committee of justices is the acting authority. The powers and duties of the visitors are substantially the same in both.

Almost everywhere outside the larger boroughs order is maintained by the County Police. The town council of each borough appoints a watch committee, whose duty it is to provide a sufficient force. Subject to the approval of the council, this committee also fixes the salaries of the municipal police, and it or any two justices can exercise the power of dismissal. The head constable of a borough answers to the chief constable of a county. A borough may agree with a county for the consolidation of their police, upon the terms that the chief constable of the county shall have the direction and dismissal of the borough police. The agreement once made cannot be dissolved without the consent of the Secretary of State, and only by making it can a borough with less than 5,000 inhabitants obtain a Treasury grant. Nor can any separate force be esta-

blished in any newly-incorporated borough with less than 20,000 inhabitants. Yet many petty boroughs retain a separate police, and twenty-four have forces of less than five constables apiece

Canal and river police are appointed by two justices of the county, or by the watch committee of the borough, to act as constables along any canal or navigable river. They are appointed on the application, and maintained at the cost, of the company of proprietors. Although their powers have been defined, it does not appear that they are subject to any public authority. Under local Acts some of our most important rivers, such as the Tyne, the Wear, and the Mersey, have a police of their own. In some places there is a dockyard police partially separate from the police force of the borough or county. The Metropolitan police act in the Government dockyards outside the Metropolitan area. The special constable is too well known to need description here.

In general the county, as we have seen, is the area for granting Licenses to sell intoxicating liquors. But boroughs having a separate commission of the peace constitute separate licensing areas. In such cases, the whole borough forms one licensing district, in which the borough justices are the licensing authority. In a borough, having ten or more justices, a committee appointed by the whole body holds the general licensing meetings and sessions for transfers. The whole body of justices in special sessions confirms the new

licenses and removals. In a borough, having fewer than ten justices, new licenses and removals are granted by the whole body, and confirmed by a joint committee appointed by the borough justices and the licensing committee of the adjoining county. In all boroughs, as we have seen, appeals against refusals to renew and transfer lie to the quarter sessions of the county and not to the recorder. In giving licenses for billiards, for the performance of stage plays, and for many other purposes, the borough justices have powers similar to those of the county justices in petty sessions.

The Sanitary Administration provides in the country for some only of those objects for which it provides in the towns. In both town and country it includes the maintenance of sewers and drains, the inspection and prevention of nuisances, and the taking measures to prevent infection. But in town it further embraces all such improvements as the laying out of new streets, bridges, markets, parks, and gardens, the maintenance of roadways, and the erection of public baths and washhouses. Of all branches of local administration the sanitary is thus the most important and the most expensive. The urban sanitary area may be either the borough, the local government district, or the Improvement Act district. A smaller urban district contained in a larger, and an Improvement Act district coinciding with a local board district, are merged the one in the larger urban district and the other in the local board district. Where a borough includes part of a local

board district, or a borough or local board district includes part of an Improvement Act district, the part in any of these cases lying outside continues to be administered by its old authority. The sanitary authority in each urban area will be the town council, the local board, or the Improvement Act commissioners. But Oxford, Cambridge, and several other places have a sanitary organization of their own.

The rural sanitary area is the union outside of any urban sanitary district, and its guardians are the rural sanitary authority. Rural sanitary areas are subject to their own peculiar complexities. We have seen that urban districts and unions overlap, so that part of almost every union is partly included in one or more urban districts. Again, a parish may lie partly in the urban, partly in the rural part of the same union. Other cases of the administrative puzzle may be conceived, and to each a legal remedy has been applied. But the statement of these remedies would turn a primer into a law book. Any sanitary authority, whose district forms part of, or abuts on, a port or any port commissioners, may be constituted, by order of the Local Government Board, the port sanitary authority. In this use of the term a port means any place which the Treasury appoints to be such for the purposes of the Customs.

The functions of the local administration with respect to the Dwellings of the Poor are set forth in many Acts of Parliament. Power to build new lodging-houses for

the labouring classes, or to buy such as already exist is given by one series of Acts which may be adopted in any urban sanitary district or in any parish with a population of 10,000, or in a combined group of parishes having an aggregate population of that number. In such cases the authority is a body of commissioners appointed either by the urban sanitary authority or by the vestry. Municipal corporations, too, may, with the sanction of the Treasury, grant long leases of corporate land, whereon to build working-men's dwellings.

Under the Artizans' Dwellings Acts, the urban sanitary authority may take steps for the altering or pulling down of any house unfit for human habitation. It may be compelled by the owner to purchase any house included in its order. From any such order an appeal lies to quarter sessions. If the owner will not make the alterations required, they may be made by the authority, which has also large powers of managing and regulating the houses in its own possession. The Artizans' and Labourers' Dwellings Improvement Acts apply only to urban sanitary districts with a population of at least 25,000. These Acts provide for the compulsory purchase and clearance of unhealthy areas in towns, and for making improvements therein. The necessary powers are vested in the urban sanitary authority. Lastly, the Public Health Act of 1875 enables any sanitary authority to close cellars used as dwellings, and to register and regulate common lodging-houses.

Those who wish to have any precise knowledge of

the laws regarding the dwellings of the poor, of the improvements which have been carried out, and of the hindrances to further improvement, must consult what has been written specially upon the subject.* It has already a voluminous literature of its own, which cannot be compressed into a few paragraphs. Nor is there any occasion here to do more than name the local authorities who have powers and duties in reference to artizans' and labourers' dwellings.

The business of providing for the health and accommodation of the living almost includes the business of providing for the proper and decent burial of the dead. Yet even this limited and melancholy function in England needs a machinery all to itself. Details may be found in the numerous Burial Acts. Here, it is enough to say that the burial area is primarily the common law parish, and the Burial Board a committee of ratepayers nominated by the vestry. The board, once appointed, is practically independent of the vestry, for it has power to fill up its own vacancies. Having obtained leave from the Secretary of State, it can, of its own authority, raise by mortgage of the rates the funds needed to provide a cemetery. In managing the cemetery, it is subject to the regulations made by the Secretary of State in the interest of health and decency, and to the discretion of the bishop in so far as regards

* See in particular the Report of the Royal Commission on the Housing of the Working Classes, and the Minutes of the Evidence given before the Commission.

inscriptions in consecrated ground. It may appoint all necessary officers. Instead of laying out a cemetery of its own, it may contract for accommodation in the cemetery belonging to some other public authority, or to a company.

But the Burial Acts may also be adopted by any poor law or ecclesiastical parish, or by any township or district, even although included in a common law parish already subject to a burial board. Nay, when one part of a common law parish has acquired a separate burial board, the other part is entitled to have one too. The powers and duties of a burial board may be conferred by Order in Council upon the town council of a borough, or upon the local board, or the Improvement Act Commissioners of a district. The burial board of any area comprised within the area of an urban sanitary authority may transfer their powers and duties to that authority. Again, any parishes which have appointed burial boards, may concur in providing a common burial ground, and may agree to apportion expenses, in which case their boards are to act as one board. A similar provision applies to any parishes which in 1855 had been united for any ecclesiastical purpose, had a common church or burial ground, or a joint vestry. Sanitary authorities, both urban and rural, may provide cemeteries and mortuaries. Guardians, with the consent of the Local Government Board, may set aside land in their possession for the burial of paupers. Many cemeteries have also been pro-

vided under local Acts. With so much care and diligence has a wise Legislature multiplied the places and the means of interment.

The organizations devised for the maintenance of highways have already been enumerated and described. For Land Drainage, and Defence against Water, divers commissions of sewers have been invested with power to supervise, erect, and maintain sea and river walls, and to clear out water-courses. But they cannot act save on presentment made by a jury. Nor can they erect new works without the consent of three-fourths in value of all the owners and occupiers in the district which they propose to charge with the cost. In recent times the drainage of inland as well as of maritime districts has often been committed either to new commissions of sewers or to elective boards. Their powers are very considerable, and the areas subject to them may be of any extent.

The remaining functions of local government may be briefly dismissed. For the Registration of Births and Deaths and for Vaccination the union is primarily the area, and the board of guardians is primarily the authority. For Public Libraries, Museums, and Schools of Science or Art, whenever the Acts regulating their establishment have been adopted, the area is either the borough or the local board district, or the Improvement Act district, and the authority is in each case that which presides over each of these areas respectively. But the local authority may act through committees,

and the members of such committees need not be chosen out of its own number. Baths and washhouses are provided in urban sanitary districts by the sanitary authority, and elsewhere by the vestry of the parish.

For Lighting, the area may be the parish, the urban, or the rural sanitary district, and in each the local authority may either do the work itself, or contract with a company to have it done. Tramways may be constructed by the urban sanitary authority in its district and elsewhere, by the vestry or body of persons acting as a vestry. Disused tramways may be removed by the highway authority. Both classes of authority, and the county authority, when county bridges are concerned, must consent before any new tramway can be laid down. Harbour, Pier, and Dock authorities form a large class by themselves.

CHAPTER IV

GENERAL OBSERVATIONS UPON THE BETTER ADMINISTRATIVE AREAS AND THEIR AUTHORITIES.

SUCH, then, are the most important local organizations, and such the distribution between them of the tasks of local government. The following table, taken from the report on the Election of Poor Law Guardians, made by a Select Committee of the House of Commons in the year 1878, and reproduced, with one or two changes, due to enactments of later date, may enable the reader to take a clearer view of the subject. This table shows, for each of the more important local authorities, the date of election, the scale of voting among the electors, the tenure of office, the method of election, and the qualification of candidates. It is as follows:—

(a) Dates of Election for different authorities.

Town Councils	. 1st November.
Local Boards .	. First week in April.
Boards of Guardians	7th, 8th, and 9th April.
Highway Boards .	25th March.
School Boards .	. Any time of the year.
Lighting Inspectors	Any time of the year.
Overseers .	25th March.

(b) Scale of Voting—

Town Councils . . . Occupiers, one vote.
 Local Boards . . . As owners, one vote to six votes,
 according to rating up to £250. As
 occupiers, the same scale.

N.B.—Persons can vote in both
 capacities, and when rated up to £250
 can have twelve votes.

Boards of Guardians . . . Owners and occupiers respectively ac-
 cording to the same scale as for Local
 Boards.

Burial Boards . . .	} Occupiers one vote to six votes up to £150, as prescribed by the Vestries Act, 1818.
Highway Boards . . .	
Lighting Inspectors . . .	
Overseers . . .	
School Boards . . .	One vote, which is cumulative.

(c) Tenure of Office—

Town Councils . . . Triennial; one-third retiring each year.
 Local Boards . . . Triennial; one-third retiring each year.
 Boards of Guardians . . . Usually Annual; in some instances
 Triennial.

Highway Boards . . .	} Annual.
Lighting Inspectors . . .	
Overseers . . .	

Burial Boards . . . Triennial; one-third retiring each year.
 School Boards . . . Triennial; all retiring together.

(d) Method of Election—

Town Councils . . . Ballot; single vote.
 Local Boards . . . Voting papers left at the houses of
 voters and collected in about three
 days; plural voting.

Board of Guardians . . . Voting papers left at the houses of
 voters and collected on the following
 day; plural voting.

Burial Boards	.	} Show of hands and open poll if demanded ; plural voting.
Highway Boards	.	
Lighting Inspectors	.	
Overseers	.	As above ; subject to confirmation by justices.
School Board.	.	Ballot ; cumulative vote.

(e) Qualification of Candidates—

Town Councils	.	For resident in borough same qualification as for elector ; for non-resident, £500 property or £15 rating, in undivided borough ; in borough divided into wards £1,000 property or £30 rating.
Guardians	.	Varies from £15 to £40 rating in different unions.
Local Boards.	.	£15 rating where the population is under 20,000, and £30 rating where the population is over 20,000. Personal property without rating is available, provided the amount be £500 or £1,000, according to the population.
Burial Boards.	.	} Ratepayers.
Highway Boards	.	
Lighting Inspectors	.	
Overseers	.	
School Boards	.	No qualification.

Some places are for certain purposes governed by special Acts, and in such cases the tables given above may be somewhat varied.

All sorts of curious problems are raised by this table. Why should our legislators have so artfully varied the time of election for town councils, local boards, and

highway boards? Was it in order to disperse over the year all the dangerous passions which might otherwise have centred in one day of incessant voting? Or why should the same rating give the same man one degree of power when he assists at the election of a burial board, and another degree of power when he helps to choose a board of guardians? Or why should the members of a burial board retire by thirds each year, whilst those of a school board retire all together every third year? Why, again, should the same person give a cumulative vote at the election of a school board, and a single vote at the election of a town council? Why should that stake in the country which entitles him to sit upon a local board not entitle him to sit upon a board of guardians? He who could answer all these questions to everybody's satisfaction would be an admirable sophist. Anomalies, we have often been told, are dear to Englishmen. But surely the love of anomaly in the abstract is far more silly than the love of symmetry in the abstract. Symmetry is in itself a good thing; and every causeless departure from symmetry is absurd.

The bad consequences of this meaningless variety in local institutions will be more clearly seen in the examination of local finance. How serious these anomalies are is well shown by a distinguished civil servant, Mr. Hagger, in a paper read by him to the annual Poor Law Conference of 1877. One or two extracts may be given here:—

"By Liverpool," says Mr. Hagger, "I mean the continuous succession of buildings constituting what would properly be called the town. It comprises or extends into three poor-law areas—the parish of Liverpool, the West Derby Union, and the extra parochial township of Toxteth Park.

"When the county was divided into unions, the parish of Liverpool, which was then conterminous with the municipal borough of Liverpool, was formed into a separate poor law district as a single parish, and twenty-three of the surrounding townships were formed into the West Derby Union. Subsequently the municipal borough was extended, so as to include two of the adjacent townships and portions of two others. Then the township of Toxteth Park was separated from the West Derby Union, and formed into a distinct poor-law area, under a separate board of guardians. There have been also formed within the same area eleven local board districts and a second municipal borough, that of Bootle. Thus there are within this area—which is practically that of the West Derby Union—two municipal councils, three boards of guardians, eleven local boards of health, twenty-four bodies of overseers; and there are besides five burial boards, two school boards, and one highway board, making a total of forty-eight local authorities acting in complete independence of each other, the complication being increased by the fact that a single board exercises its different functions over different areas. Thus the West Derby Board of Guardians have control over the whole twenty-two townships in the union for poor-law purposes, whilst they are the rural sanitary authority in only ten of them, and the educational authority in eighteen and a-half.

"Now consider for a moment what this means. Think of the number of elections, of the varied qualifications required of the candidates, of the various franchises, and of the numerous modes of exercising them; of the superfluous machinery employed in the actual performance of many portions of the work, and in the collection of different rates, of the friction—saying nothing of occasional ruptures—which must inevitably be felt in the working of so many independent authorities in such matters as drainage, highways, settlement of paupers, acquisition of lands, assessment, etc., and

you will have some idea of the waste of energy, time, and resources which the present state of things entails."

Nor is the case of Liverpool unique. It is the case of every great city in England. In their own degree the small towns and thinly-peopled rural districts offer the same monotonous prospect of disorder, weakness, and wastefulness. Mr. Hagger's own observations, a little later on, fall indeed far short of the mark.

"An ordinary ratepayer finds it almost impossible to understand how he is governed ; he feels that he knows little or nothing about it, and he avows this as his reason for taking no part in it. I venture to say there are few persons in this room who have not heard this reason assigned, over and over again, when they have been trying to induce others to take part in matters affecting their locality. And how can it be otherwise ? Elections take place at all times of the year ; what qualifies a man for one office is no qualification for another ; a ratepayer has a single vote in one case, in another a plural one ; he has, when there is a vacancy in the burial board, double the voting power that he can exercise when he votes for a guardian or a member of a local board ; but if he is fortunate enough to be an owner of property, he can, as such, vote in the latter case, but not in the former. He sees that the guardians must be elected annually, but that members of the local board sit for three years without re-election ; that when he wants to serve his friend, who is a candidate for the burial board, by plumping for him, he can only indirectly help him by abstaining to vote for others ; but that when the election is for a member of the school board, he can do so directly by cumulating all his votes upon him. Further, he finds that sometimes he can vote by filling up a paper, whilst at others he must attend at a polling station ; sometimes he is qualified to vote without having taken any personal trouble in the matter, at others he finds that he cannot vote because he has not made a formal claim ; and although he may sometimes let all the world know how

he votes, there are other occasions when to do so will invalidate his vote and get himself into trouble. Is it any wonder that he feels somewhat puzzled about it? There is probably not one in fifty of the fairly educated ratepayers in our large towns who can say offhand what his voting power really is, and when and how he can exercise it. And if this be true of the fairly educated minority, what can be said of the majority?"

CHAPTER V.

LOCAL FINANCE.

BEFORE discussing in detail the subject of local finance, it is needful to warn the reader that all statements made upon this subject are mere approximation, and that all figures given respecting it are apt to be more or less misleading. For there are difficulties amounting to impossibility in the way of accurately ascertaining from published returns either the present total amounts of local taxation and expenditure, or the comparative amounts in urban and rural districts, or even the amount in any one year of purely urban expenditure in urban districts, or the rate at which the burden of local taxation, as a whole, is increasing. The nature of these difficulties may be shortly explained as follows:—

I. The total present amount cannot be ascertained, because all the returns are much in arrear, and because the returns of different authorities are made up to different dates. The Annual Local Taxation Returns, published in February 1885, give the returns of 10,635 out of 13,325 local authorities for the year ending at Lady Day 1883. But they give the returns of the

Commissioners of Police for the Metropolis to the 31st of March, 1883; of churchwardens in respect of church rates to Easter-day 1883; of the Metropolitan Board of Works and Corporation of the City of London to the 31st December, 1882; of the London School Board and the Commissioners of Sewers for the City of London to the 29th of September; and of the remaining local authorities to various dates between the 31st of May, 1882, and the 1st of June, 1883.

II. It is impossible to compare, otherwise than by conjecture, the expenditure in urban and in rural districts respectively. Unions and parishes overlap boroughs and local board districts. Thus it would be impossible to ascertain, with any degree of accuracy, what share of poor relief falls to urban and what to rural districts. Of the county expenditure, again, the proportions falling upon boroughs, upon local board districts, and upon rural places are all equally unknown. As between local board districts, and rural parishes partly included in them, the same remark holds true. Finally, the present division into urban and rural districts is highly artificial. Many boroughs include a great deal of agricultural land, and many rural districts have a population of urban density.

III. Even within urban sanitary districts, and considering only urban sanitary purposes, the elements for an accurate statement of ordinary taxation and expenditure are not fully available. The capital expenditure on sewerage, on streets, on gas-works, and on water supply,

is not distinguished from the ordinary expenses of maintenance. In the returns for the year 1882-3 the receipts in respect of gas and water supply are for the first time distinguished from receipts in respect of rates. As the receipts in respect of gas and water supply amounted during that year to £5,149,000, this circumstance alone makes worthless all hasty comparisons of the total of local taxation in that year with those of the years preceding it.

IV. Many other points there are in respect of which the published returns must be used with discretion. Thus, school boards are local authorities, and are recognised as such in the returns. Yet the grants made to school boards from the Committee of Council for Education, amounting (for the year 1882-83) to £790,000, are placed, not, like all other grants from the Imperial Exchequer, in aid of local funds, under the head of Treasury Subventions, but under the head of Other Sources. Treasury subventions, too, appearing in the returns for any one year, have been made in respect of the expenditure of the past year or years. Again, the apparent increase in highway rates is partially explained when we remember that a large sum once paid in tolls is now raised by means of rates.

Some of the above defects could probably have been made good in former, and will perhaps be made good in future, returns. But no care or skill could possibly work out a clear budget of local finance from the accounts of twenty-four distinct kinds of local authority,

differently constituted, and with areas not only different, but often interlacing and overlapping, of authorities which use different periods of account, and levy separate rates or contributions on different bases and valuations. The effect of such confusion of authorities, areas, and rating, is to perpetuate extravagance and waste. For the only practical way of proving that affairs are too expensively administered in one place, is to show that affairs of the same kind are less expensively administered in other places on an average or under similar circumstances. This, with regard to some of the most important parts of local administration, cannot now be shown unless by accident. Even if no other good result were likely to come from simplifying areas and authorities, the advantage which would be gained in simplifying and making easy the comparison of taxation and expenditure cannot be over-rated.

With these preliminary cautions we shall try to present clearly a few of the principal figures relating to the local finance of England and Wales.

The total amount received by local authorities in the course of the year 1882-3 was £53,412,000. The total amount expended by them during the same year was £52,878,000.

These figures are very striking, and they become yet more striking when compared with the corresponding figures given in Mr. Goschen's report upon Local

Taxation for the year 1868. Those were as follows :—Total receipts, £30,139,000; total expenditure, £30,273,000. During the intervening period the ratable value of England and Wales had increased from £100,000,000 to £141,000,000, an increase of 41 per cent.; whilst the total receipts and total expenses of local authorities had each increased 80 per cent. The growth of local revenue and expenditure has, therefore, just been twice as rapid as the growth in value of property subject to local taxation.

The totals above given and the totals generally in this chapter, unless the contrary be expressly stated, include the totals for the metropolis as well as for the rest of the kingdom. The metropolitan totals of income and expenditure appear, in 1868, to have somewhat exceeded one-fourth, and in 1882-83, to have somewhat exceeded one-fifth, of the corresponding totals for the whole of England and Wales. Accurately, to sever the receipts and expenses of local authorities in the capital from the receipts and expenses of similar authorities elsewhere would be instructive, but would take up too much of the very small space which can here be given to local finance. That space can be more usefully filled by a rapid survey, firstly, of the receipts, and, secondly, of the expenses of our local authorities, wherever situated, such local authorities as are peculiar to the capital only excepted.

The *Receipts* may be classified under four heads :

Receipts from Rates, properly so called ; receipts from the Treasury ; receipts from Loans ; and receipts from various other sources, such as Rents of property, Tolls, Dues, Duties, and Fees, the profits of supplying gas or water, and private improvement rates and expenses. The total receipts under each of these heads for the year 1882-83 was as follows:—From rates £24,480,000 ; from the Treasury, £3,182,000 ; from loans, £10,957,000 ; and from all other sources, £15,580,000. For the year 1868 the corresponding figures, as given by Mr. Goschen, were:—From rates, £16,223,000 ; from the Treasury, £1,225,000 ; from loans, £5,452,000 ; from all other sources, £7,238,000. Thus, in an interval of fifteen years, the receipts from rates have increased, apparently, 50 per cent., but really much more ; the receipts from the Treasury have increased 160 per cent. ; the receipts from loans 100 per cent. ; and the receipts from all other sources, apparently, 120 per cent., but really somewhat less. Each of these sources of income demands a few words to itself.

The first and most important is that of Rates. Under this head, it may be asked, upon what property rates are levied, and which are the principal rates. Respecting each rate, again, it may be asked, by whom and upon whom that rate is levied, upon what valuation, with what variations of incidence and limit of amount, and what is its present annual yield ?

All local rates are direct taxes, and are imposed in

respect of landed property, and that which is attached to it. In cases in which the owner and the occupier of real property are different persons, the rule is that the occupier, and not the owner, is taxed. It may be said that, in substance, the owner is taxed, since the occupier, who has to pay taxes, can insist upon a lower rent. This argument, undoubtedly, is of force in the case of tenancies at will or yearly tenancies. But it hardly applies to tenancies under leases for a term of years. The rent under a lease may have been fixed with reference to a local taxation of so many shillings in the pound, which gradually rises perhaps to double the amount before the lease has expired. Or, conceivably, the contrary might occur, and the rent of certain premises might continue the same, whilst the rates had fallen by one-half. All, therefore, that can be said of such cases is that one party, usually the occupier, incurs a loss against which he could not provide ; and that the other party, usually the owner, reaps an advantage to which he has no equitable claim. Even were it otherwise, were it true that in all cases the owner bears the burden of local taxation, it would be much better that he should pay formally what he now pays informally. Were the owner avowedly taxed for local purposes, he might learn to take some interest in the conduct of affairs which concern him more than they concern any one else.

The principal rates levied for local purposes are the county rate, the borough rate, the highway rate, the general district rate, and the poor rate.

The county rate is an assessment made by the county justices, not on individual properties, but on the several parishes within the county. A committee of quarter sessions ascertains the net ratable value of each parish, and apportions accordingly the whole amount required. Precepts for the amount required from any one parish are sent to the guardians of the union to which it belongs. The guardians pay this amount to the county treasurer, and recover it by order from the overseers of the parish. The overseers raise it in the parish by poor rates, but the poor law valuation is not binding upon the committee of quarter sessions. They may alter such valuation, or they may make a new one. But in either case an appeal lies to the whole quarter sessions.

The charges of the county police are defrayed out of a distinct police rate, raised in the same way as the county rate. For certain purposes contributions are also received from independent boroughs. In the year 1882-83 the county rate produced £1,206,000, and the county police rate £578,000. The ratable value of property liable to the county rate was a little in excess of £120,000,000, and that of property liable to the county police rate a little over £77,000,000. The highest county and police rates in any county were $4\frac{7}{8}d.$ and $3d.$ in the pound respectively, and the lowest respectively $\frac{3}{4}d.$ and $\frac{1}{4}d.$ in the pound. These rates are levied uniformly upon all property subject to them, and there is no limit to the amount which may be raised by either.

The borough rate is raised out of, or on the same basis with the poor rate. In levying this rate the town council acts on the principles which guide the committee of quarter sessions in levying the county rate; and the town council also can order a fresh valuation if they consider that the poor law valuation is not a fair criterion of value. Should the overseers of a parish within the borough think their parish aggrieved in the assessment, they may appeal to the Recorder, if there is one, and if there be none, then to the next quarter sessions of the county in which their borough is situate. In the course of the year 1882-83 the sum raised in borough rates was £1,647,000, and the value of the property subject to such rates was nearly £35,500,000. The borough rate, therefore, averaged almost 1s. in the pound. It also is levied uniformly upon all ratable property, and there is no limit to the amount which may be raised by it. Most boroughs having separate courts of quarter sessions are exempt from the county rate. All such boroughs, if liable before 1832 to contribute to county expenses, continue liable to pay to their respective counties a proportion of the ordinary county expenditure for all purposes not excepted by statute. Thus Liverpool contributes to the general county expenditure about £11,000 a year.

The taxation imposed for the maintenance of highways varies with the constitution of the authority imposing it. In the highway parish expenses are met by a separate highway rate, which the parish surveyor levies upon

property liable to the poor rate. The valuation for the poor rate, as far as it goes, is conclusive in this instance. The highway rate is levied uniformly upon all property, but must not exceed the limit of 2s. 6d. in the pound. In the highway district expenses are met out of the common or district fund. To this fund the parishes of the district contribute on the basis of their poor-law valuation. For the contribution of each parish a precept is sent to its overseers, if it is a poor law as well as a highway parish; otherwise to its waywardens, who raise a separate highway rate. Under special circumstances, and with the consent of the quarter sessions, the highway board may break up its district, and charge upon each portion the expense of maintaining its own highways. The highway board levies rates uniformly upon all kinds of property, and within a limit of 2s. 6d. in the pound, which, however, it may overstep if it can get the consent of four-fifths of the ratepayers. The urban sanitary authority charges the expense of maintaining its highways upon the general district rate, which will come to be considered later. But this rule admits of several large exceptions, in which the cost of highways is defrayed out of a separate highway rate. There is no limit to the amount which urban sanitary authorities may raise for the maintenance of highways. It will be apparent on the shortest consideration that highways mean one thing in towns and another in the country. Highway authorities for rural districts raised, in the year 1882-83, the sum of £1,640,000 in highway rates of every description.

Thus far the names of rates have thrown some light upon their character. It is otherwise with the general district rate. This rate is raised in urban sanitary districts by the sanitary authority, and to defray sanitary expenses incurred for the general benefit. Expenses incurred wholly or chiefly for the benefit of particular persons are defrayed out of private improvement rates levied upon the premises which have been improved. Such rates, it will be seen, are not strictly in the nature of taxes. General district rates are made and levied upon all property assessable to the poor rate and according to the poor-law valuation. For this rate, however, agricultural land, railways, canals, and one or two other forms of property are ratable only to one-fourth of their value. This variety of incidence has been justified by the unequal benefits which different kinds of property receive from sanitary improvement. There is no limit to the amount which may be raised by this rate, and it constantly and rapidly grows heavier. A sum exceeding £4,500,000 was raised by general district rates in the year 1882-83.

In rural sanitary districts the method of taxation is somewhat different. In such districts, it will be remembered, the boards of guardians act as the sanitary authority. The sanitary expenses incurred by them are distinguished as general and special—the general including all expenses not determined by statute or by order of the Local Government Board to be special. In practice all special expenses are incurred for

works specially benefiting some one parish or contributing place in the district. General expenses are paid out of the common fund, to which the parishes contribute in the ratio of their respective poor-law valuations. Special expenses are paid out of the proceeds of a rate levied in the same manner as a poor rate, but upon the differential basis of a general district rate. Private improvement rates are unknown in rural sanitary districts. The total of rates levied by rural sanitary authorities in the year 1882-83 did not exceed £264,000.

There remains the Poor Rate, the most ancient and the most important of all local imposts. As the whole of England is divided into areas for the relief of the poor, so the poor rate is levied over the whole of England, town and country alike. It is levied in each union by the board of guardians upon a distinct valuation, which is accepted as the basis of the greater number of rates. The highway rate and general district rate,—in fact, the bulk of local taxation,—is usually assessed on this basis. The county and the borough may make their own valuations; but they need not do so. Should any one of the existing valuations be taken as the basis of a reformed local taxation, the poor-law valuation would certainly be chosen; and thus it deserves a moment's consideration here.

In most parishes the valuation takes place under the Union Assessment Acts of 1862, 1864, and 1880, and falls into three stages: the preparation of a valuation list by the overseers of the parish,

the correction of the list by the assessment committee of the guardians of the union, and the appeals to the justices in quarter sessions. The steps in preparing the valuation list are as follows:—

The overseers in every parish prepare a list, usually a copy of the last approved list, with whatever alterations they think proper to make. The list is then deposited for inspection in the parish during fourteen days, and notice of such deposit is published. It is next transmitted to the assessment committee of the board of guardians. Within twenty-eight days from the notice of deposit, any person or parish aggrieved, may give notice of objection to the committee, and to parishes or persons interested. The committee hear and determine the objections made, and even where none have been made, may at any time, or on any information, alter the list as they think proper. When satisfied, they approve and sign the list. If they have altered it, it must be again deposited in the parish, and may come back for a fresh hearing and approval. When they have finally approved and signed the list, they deliver a copy to the overseers, and send to the clerk of the peace the parish totals, as well of gross rental, as of ratable value. The list thus approved and delivered is thereupon the valuation list in force, and the only basis for the poor rate and for certain other rates.

Appeals must be made, in the first instance, by objection before the assessment committee. They are of

two kinds : appeals arising out of questions concerning valuation, and appeals arising out of questions concerning liability to be rated. Appeals of the former kind must be made, in the first instance, to the special, and, in the second instance, to the quarter sessions. Appeals of the latter kind lie direct to the quarter sessions. A parish may, with the consent of its vestry, and through its overseers, appeal directly to the quarter sessions against over-valuation in its own case or under-valuation in the case of any other parish in the same union. The quarter sessions may alter the list or direct a new valuation. On matters of law, aggrieved parties may obtain a case for the opinion of as superior court.

This complex process fails in one weighty respect ; it does not fully secure a uniform assessment of property. It is much better than the process it superseded. Under the system which prevailed before the passing of the Union Assessment Acts every parish made its own valuation, and often in a grossly partial manner. Now there is equality within the union, but different unions still conduct their valuations on different principles. It is much to be desired that the poor-law valuation of the whole county should be effectively controlled by one authority. Uniformity having been thus secured, a single valuation might well be conclusive for every purpose of local taxation. At present the same property may undergo three distinct valuations ; one by the county, one by the borough, and one by the union. Yet a valuation is a costly process.

Out of a total of £24,480,000 raised by rates, properly so called in the year 1882-83, no less than £14,091,000 were raised by poor rates. Upon a valuation of £141,000,000 this sum gives an average poor rate of 2s. in the pound. But the reader must bear in mind that this sum includes not only the sums raised for the relief of the poor, but also the sums raised in the ways above described, as contributions to county, police, borough, highway, and other rates; in fact, almost everything raised upon the basis of the poor rate. How much of the money so raised was applied to the relief of the poor will be seen hereafter.

Besides those above described, there are many other rates of less consequence. Local rates are well nigh as numerous as local authorities. Mr. Goschen has told us that in one year he received eighty-seven demand notes upon an aggregate valuation of about £1,100, one parish alone sending him eight rate papers for an aggregate amount of 12s. 4d. We have become used to this method of raising money for local purposes. Yet what method can be more stupid, more wasteful, more cumbrous, or more perplexing, more contrary to every rule of good sense or sound economy? Let us imagine the same method applied to Imperial finance. Let us imagine each department of State working by itself, drawing up a detached budget of its own, for its own independent Parliament, and obtaining for itself the grant of a separate income tax. We can well imagine the results of such a system; ignorance on the

part of those who pay ; carelessness on the part of those who receive ; a growing burden, which all feel more and more, although few can give any useful hints for its alleviation ; and sooner or later, the sure catastrophe of bad management, a general bankruptcy. Our great prosperity, and the sterling qualities of many who have helped to administer our local affairs, have hitherto kept this catastrophe at a distance ; but only a thorough reformation of the system can make it impossible.

Next to the revenue derived from Local taxes comes the revenue ultimately derived from Imperial taxes. This, if we include, as we ought to do, the grants to local authorities in aid of elementary education, amounted for the year 1882-83 to £3,182,000. It is of great consequence that the public should know to what authorities and for what purposes the Treasury grants assistance. For these grants are constantly growing both in number and in amount. The utter anarchy of our local administration, which involves a prodigious waste of money and growth of rates ; the indignation of rate-payers, upon whom our barbarous local finance lays burdens as unequal as they are heavy ; and the anxiety of successive governments to quiet complaints the true grounds of which they cannot or will not remove ;—all these causes have contributed to swell the total of grants, from the Imperial to the local revenue. Such grants, perhaps, could not, under the best local administration, be abolished altogether ; but they might be made on

principle and in fulfilment of a well-considered plan not at random, or to quiet troublesome demands.

In the course of the year 1882-83 the Treasury paid to the poor-law authorities the sum of £647,000 in respect of medical expenses, the salaries of teachers, the maintenance of pauper lunatics, and the registration of births and deaths. The grant made to these authorities had, in the fifteen years preceding, been increased by more than 50 per cent. In respect of police, criminal prosecutions, the maintenance of pauper lunatics, and other less important items, the county and municipal authorities together received £917,000, the counties taking nearly two-thirds of this sum. The grant made to these authorities amounted to £599,000 for the year 1868. It also had been augmented more than 50 per cent. in the intervening years. A good deal of this increase is accounted for by an innovation made in 1874. Down to that year a Treasury subvention, limited to one-fourth of the cost of pay and clothing, was made to efficient Police Forces. In that year the limitation was removed, and the amount of the subvention was doubled. School boards received £790,000, and highway authorities received a grant of about £200,000. The grant in aid of school boards dates from the year 1870, the year of the first Elementary Education Act. The grant in aid of the highway authorities dates from the year 1882, in which the Imperial Treasury was for the first time charged with one-fourth of the cost of keeping up main roads. The other Treasury

subventions were too small to be particularly mentioned here.

The third head of local receipts, the head of receipts from Loans, is in many ways the most remarkable of all. Local authorities cannot, of course, borrow large sums without giving security, and they cannot give the security of the rates without first obtaining leave from Parliament. But this check appears to be practically worthless, since leave is given whenever it is asked for. Leave to pledge the rates is given either by special or by general Act, and the powers thus given may be exercised in various ways. The local authority may borrow either in the open market or from the State. If it borrows in the open market, it may do so under special Acts, and released from control by Government. This method is much in favour with large corporations. In this manner powers of borrowing to the amount of £33,200,000 have been conferred within ten years upon sanitary authorities alone. The term allowed for repayment, 60, 80, or 100 years, is often so long as not to put any check upon profusion. The local authority may also borrow under the Local Loans Act of 1875, which does not confer any new power of borrowing, but authorises convenient ways of exercising such powers when acquired. These ways may be followed even when a different way has been prescribed by an earlier special Act giving the power to borrow. Or again, the local authority may borrow under the sanction of a

Government Department. This method has been prescribed by the Public Health, Elementary Education, and Municipal Corporation Acts, and by many others. Very large sums have been raised in this manner. The sanitary authorities alone have thus borrowed nearly £26,000,000 in ten years. If the local authority prefers borrowing from the State, it must apply to the Commissioners acting under the Public Works Loans Act of 1875. The Commissioners may, at their discretion, advance money for a variety of purposes. The rate of interest varies, rising as the term for repayment is protracted. The security must comprise a mortgage of rates or property, or both, and also a personal security. But many special and some general Acts have granted easier terms to certain local bodies or to all local bodies borrowing for certain purposes.

Roughly, it may be said that local authorities can raise as much money as they please. They are pleased to raise a great deal. At the end of the year 1882-83 their outstanding debts amounted in all to £159,142,000, of which £33,416,000, or somewhat more than one-fifth, had been incurred by the various authorities of the Metropolis. These debts have been incurred mostly within the last twenty years, since the passing of the Elementary Education and Public Health Acts. But even of late their increase has been very rapid. The total of local indebtedness was at the close of the year 1879-80 £136,934,000, and at the close of the year 1876-77 £106,045,000. So that in the latest period of

six years, for which the figures can be accurately ascertained, the apparent increase in our local debts was no less than £43,100,000, which supposes an average annual increase of £7,200,000. In times of profound peace and economic government we have been able to reduce the National Debt by about £8,000,000 a year. But taking one year with another, our seasons of peril and our fits of extravagance along with our intervals of security and endeavours after thrift, we do not diminish our national by anything approaching the sums which we add to our local debts. It is probable that a great part, it is possible that the whole of our local debt, has been wisely incurred; that the interest thereon is a light insurance against disease and ignorance, against individual misery and national decay. But in any case it is remarkable that we should have incurred a local debt of nearly £160,000,000, which at its present rate of growth will have been doubled in twenty-two years, and that only a few statisticians should know or care.

Out of the total debt of our local authorities a sum of £74,416,000 has been incurred by sanitary authorities of every description outside the metropolitan area, a sum of £25,945,000 by harbour, pier, and dock authorities, a sum of £12,818,000 by school boards, a sum of £6,936,000 by municipal corporations acting otherwise than in their sanitary capacity, a sum of £5,842,000 by poor-law authorities, and a sum of £3,235,000 by county authorities. The

returns clearly prove that the greater part of our local debt has been incurred for permanent public works and elementary education, perhaps the best purposes for which a nation can run into debt. But they also prove that the greater part of our local debts, even when we exclude debts owed by metropolitan authorities, are urban. For of the debt incurred by sanitary authorities, only £1,352,000 was incurred by rural, and only £680,000 by joint boards. Add to the sanitary and other debts of town councils the share of the school board and poor-law debts borne by the communities which they govern, and it will be seen that the municipal boroughs of England and Wales owe a joint debt of upwards of £70,000,000, or fully two years' ratable value. So long as our prosperity continues, these towns, many of them great and wealthy, may bear this enormous burden; but in the event of a long war, or decline in trade, they might find it almost overwhelming. Rural districts are not deeply in debt, nor do their debts increase much from year to year.

The total for the year 1882-83 of all sums received from sources other than rates, subventions, or loans, amounts, we have seen, to £15,586,000, nearly a third of the total receipts of every description. Of these sums, again, nearly one-third is received in respect of gas and water supply. £561,000 represents the income from private improvement rates and expenses. Tolls,

dues, duties, and fees of every description produced £4,478,977. The rest was received from a variety of sources, which need not be distinguished here. In so far as these miscellaneous returns from property are concerned, it is probable that there will be a steady increase from year to year.

Thus much with regard to receipts. With regard to *expenditure*, the total expenditure for the year 1882-83 was £52,878,000. This expenditure may be considered either as it was or was not defrayed out of loans, or, according to the authorities by whom, or the objects for which, it was incurred. The expenditure not defrayed out of loans exceeded the revenue arising otherwise than from loans. The expenditure out of loans was somewhat less than the receipts from loans.

A comparison of the amounts expended by metropolitan, by county, and by other local authorities respectively suggests one or two observations. The metropolitan expenditure, we have already seen, may be taken as one-fifth of the local expenditure for all England. The total expenditure by county authorities amounted to £3,281,000, about one-seventeenth of the total sum spent by local authorities. But out of this sum nearly £400,000 was paid over to highway authorities. Thus the expenditure which could be controlled by county authorities was not much more than a twentieth of the total expenditure. It follows that about three-fourths

of the total expenditure was by authorities which were neither of the metropolis nor of the county. It further follows that if a reconstruction of local government is to produce local economy, it must do so chiefly by reforming the procedure of these authorities. Representative county government, an excellent thing in itself, and still better as the crown of a thorough local reorganization, will hardly prove cheaper than the government of county justices.

Urban sanitary authorities spent in the year 1882-83 a total sum of £17,569,000. Their expenditure is on a scale worthy of their debt; but we have not the means of judging how much of it was in the nature of capital, and how much in the nature of annual payments. This is greatly to be regretted, since an outlay upon works, which are at all events permanent, and may often be reproductive, differs immeasurably from an outlay whose benefits are exhausted within the year. In the present state of our knowledge nobody can criticise the finance of bodies which are spending nearly £18,000,000 a year. It may be wise, it may be ridiculous, it may be most conscientious, it may be tainted with corruption—nobody is in a position to speak with authority. One improvement, however, has been made in the returns for urban sanitary authorities. Their profits, from what are really commercial undertakings, have at last been distinguished from their receipts from rates. These profits amount to several millions, and lead to the belief that a very great propor-

tion of urban sanitary expenditure has been in the strictest sense remunerative.

In the course of the same year the poor-law authorities expended very nearly £10,000,000 sterling; but not solely upon the relief of the poor. School boards spent upwards of £4,000,000 sterling; and rather more than a quarter of this sum was in the nature of capital expenditure. Harbour, pier, and dock authorities spent very nearly an equal sum. Municipal corporations, acting in other than sanitary capacities, spent upwards of £3,000,000, and rural highway authorities nearly £2,000,000. The above were the chief spending authorities, not exclusively metropolitan, and it will be seen that their annual expenditure is not always in proportion to their debt. In the greatness of their annual expenditure the poor-law authorities stand next to the sanitary authorities of urban districts, and far above school boards. Yet the debts owed by school boards are more than twice as great as the debts owed by poor-law authorities. The counties owe little more than a year's gross income, and the rural highway authorities may be said to owe nothing. It would appear that old and settled organizations do not very strongly tend to run into debt. Young and enterprising organizations, inheriting a vast arrear of work, and eager to clear it off, will necessarily call in future generations to share the burdens of the present. We may thus in part explain the enormous debts of the school boards and of the sanitary authorities.

These debts may perhaps be charged upon the necessity of the case; but it is a matter of regret that their growth should be so little followed or understood.

We have still to examine the objects of local expenditure. But to do this minutely would only confound the confusion which has been so painfully unravelled. In one or two instances the case is simple. Whatever school boards spend is spent on schools. Whatever is laid out by rural highway authorities goes towards keeping up highways. All the expenses of pier and harbour authorities are incurred for piers and harbours. But some kinds of local authority have one great function, and a variety of small functions. Thus, the small functions of the board of guardians are manifold. Their great function is the relief of the poor. Upon this object, in the latest year for which we have returns, they spent £8,353,000. This outlay shows a considerable increase upon that of 1881-82, which amounted to £8,102,000, and a still more considerable increase upon that of 1869, which was only £7,700,000. As the number of persons receiving relief in 1882-83 was much smaller than in 1869, and not larger than in 1869, it follows that the total outlay upon each pauper must have been increasing.

Lastly, some classes of local authority each discharge many functions, and share their expenditure between many objects. Thus, of the county expenditure for the year 1882-83, about one-third was claimed by the

county police, about one-sixth by lunatic asylums, about one-eighth by main roads. But, on the whole, it is very difficult to state, with any fulness or accuracy, the distribution of local expenditure between its various objects. There is only one way of making that distribution apparent. Consolidate areas, authorities, functions, and rates ; make each authority publish a full and precise annual budget, showing what it is proposed to spend upon each of its functions in the year to come, and full and precise annual accounts showing what has been spent upon each of those functions in the year just completed. When that has been done, the annual cost of English highways, or of English sewers, will be as open to the inquirer as is now the annual cost of English fleets or armies. And then, and not till then, an intelligent, candid, large-minded criticism and vigilant control of local finance will be possible to Englishmen.

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PART II.

LOCAL GOVERNMENT AS IT OUGHT TO BE.

CHAPTER I.

CONSOLIDATION OF THE SMALLER ADMINISTRATIVE AREAS, AND OF THEIR SEVERAL AUTHORITIES.

THE survey made in the earlier part of this volume has rendered apparent the piece-meal method hitherto followed in legislation for local affairs, and the confusion which that method has produced.

At present the inhabitant of a borough lives in at least a four-fold area for local administration—in a Borough, in a Parish, in a Union, and in a County. None of these, unless by accident, coincides with any of the others. Different parts of the borough may be in different parishes, or in different unions, or in different counties. The inhabitant of the borough is, or may be, governed by a six-fold authority—by the town council, by the vestry, by the burial board, by the school board, by the board of guardians, and by the county quarter sessions. All these bodies differ in constitution, and citizens in different parts of the same borough may be subject to different bodies of the same description.

Again, the inhabitant of a local board district lives in at least a four-fold area—in the local board district, in the parish, in the union, and in the county. He is, or may be, subject to six distinct governments; may be governed at one and the same time by the local board, the vestry, the union, the burial board, the quarter sessions, and the school board. Any of these districts or authorities, again, may be different for persons living in different parts of the same local board district. The inhabitant of a rural parish may be no better off, for he lives in a parish, in a union, in a highway district, and in a county. He may be governed by a vestry, by a school board, by a burial board, by a highway board, by the guardians, and by the justices. In a multitude of ways the districts and authorities for any single person may be multiplied so as to produce combinations yet more intricate than any suggested above.

This complexity, the result of carelessness, not of art, has not always secured for the discharge of any one duty of local administration the most suitable area and authority. Very often the area is too small, or too large, or otherwise awkwardly defined. Very often the authority is not constituted in the best possible way. Unity of government has been lost, but thoroughness of government has not been gained. The administrative machinery works with waste and with difficulty; much is done badly, much is left undone; taxation is manifold, heavy, and unjust; debts are piled up almost without the knowledge of the public; abuses are hard

to discover, harder still to correct ; many of the most capable men shrink from any attempt to take part in local public life ; and the citizens in general have come to regard local affairs with a sulky and desponding indifference.

The contrary of all this is the ideal of the reformer. The local administration needs two, and only two, kinds of area, a small and a large. The large area should be an exact multiple of the small area,* and each ought to be of the size best suited to the work to be done in it. In the small area, as in the large, there should be but one local authority, one valuation, one rate, one debt, one consolidated fund, one simple, coherent, powerful, and conspicuous administration of all local affairs whatsoever. This local administration once complete, should, as far as possible, be left to itself. Imperial interference with local business should be reserved for the most extraordinary and pressing occasions. To collect useful knowledge and to diffuse it among local authorities, to see that they perform their duty with diligence and honesty, and in the last resort to act as a supreme tribunal, before which the indolent, unjust, or dishonest among them may be called to account—these are the only proper functions of the State in relation to local bodies. Where it habitually does more, one or the other of two inferences must be drawn ; either it is ambitious, or they are incapable.

* Report of Sanitary Commission, 1871.

The consolidation of all the different kinds of area smaller than the county, and of the authorities answering to each, will be the subject of the present chapter. In trying to secure this incalculable public good we must take account of the conditions which limit our endeavour. We must as little as possible disturb, we must as much as possible utilize existing arrangements, habits, and interests, we must prefer that primary area which is best suited to the most important administrative purposes; and, for both reasons, we must adopt some area already existing in every part of the kingdom. Excluding the county which could never be a primary area, we have only two left which fulfil this condition, the Parish and the Union. Ought the parish or the union to be the primary area? Mr. Goschen's Bill of 1871 proposed to adopt the parish, at least in rural places. Many other reformers of local government have wished to keep the parish alive, or rather to restore its life. It has the charm of antiquity and the advantage of local sentiment. Its small size offers a chance of interesting all classes in its administration. It rarely overlaps the county, and is the unit of the union and of the petty-sessional division. But parishes are so unequal in population, that, if accepted as primary areas, small ones must often be grouped, and large ones must often be broken up. Parishes would have to be remodelled in those frequent cases in which they lie half within and half without an urban district. The vestries would have to be re-

organized and provided with new officers. And when all this trouble had been taken, when all this violence had been done to historical sentiment, the new parishes would still be inconvenient as areas for the most weighty work of local government. The indoor relief of the poor, the maintenance of highways, and the sanitary inspection, have been proved by experience to exceed the strength of the parish. Often it would be impossible to find in a parish a sufficient number of persons able and willing to administer its affairs.

Thus much for the Parish; let us now see what can be said of the Union. The union is new, it has no agreeable associations, it often overlaps county boundaries, rarely coincides with borough, highway, or local board districts, and could not be rectified without some considerable financial disturbance. On the other hand, the union has been traced out within the last fifty years for that purpose of local administration which peculiarly demanded a convenient area and an active authority. It was traced out, too, by one central power, although in many cases under the pressure of prejudice or circumstance, or in a way which has not suited the subsequent course of events, the shifting of inhabitants, or the readier means of communication. Even when judiciously defined at first, the union has often been mangled in later days by the carving out of new urban districts. Yet no general complaint that unions are too large, too small, or otherwise ill-arranged, has ever been heard. They have

a working representative government which can be improved; they have capable officers; they are used to central control and audit; and they have been entrusted by Parliament with large powers for the promotion of public health and elementary education.

On the whole, therefore, the union would appear to be the most suitable primary area. It might require some alterations, of which the following are perhaps the most important:—

Firstly, assuming that the county is to be preserved untouched as the larger area of local government, the unions which extend into more counties than one must be broken up, and the fragments must either be made independent or be merged in other unions. The legislation of 1875 and 1879 gives all the powers needed for this purpose. Out of about 650 unions about 60 are wholly urban. Out of the remainder about 410 are each wholly comprised in one county. There remain about 180 unions, extending into several counties. Of these, the parts extending into a county different from that which contains the bulk of the inhabitants, have in 100 cases a population of less than 2,000, and in 54 cases a population of less than 5,000. In the other cases the population of the outlying part exceeds 5,000. In some of these Unions there will, no doubt, be some inconvenience in disturbing the present arrangement. But it is hard to see why the change should be considered impracticable. Even if it should be thought prudent in some instances to preserve the existing

boundaries, and to provide for the same union being represented on the boards of different counties, this would raise no presumption against simplifying areas and authorities in those much more numerous instances in which it would be easy so to do.

Secondly, urban sanitary districts should be constituted separate unions. This change may involve a considerable shifting of the burden of poor relief. The Union Chargeability Act of 1865 in many cases spread the charge of the urban poor over an area including rural parishes, and the proposed change would cast once more upon the urban parts of the union all the burden of relieving the urban poor. This would be a serious difficulty if the present system of indoor relief is to be continued. But it would disappear if for the purpose of indoor relief the single union were to be replaced by counties or groups of unions. Such a substitution is desirable on other grounds, in the interests of economy, and for the improvement of the administration of poor relief. But the arguments in its favour belong rather to the chapter on the reform of local finance.

The urban sanitary district, whether borough, local board district, or Improvement Act district, must continue to exist under any reform. Certain local board districts which are too small for their purpose might be merged in neighbouring districts. Certain boroughs, such as Manchester, Liverpool, and Birmingham, would have to be specially dealt with. They must be specially

dealt with in any plan that can be proposed ; for they cannot always remain in their present chaotic condition, nor could any form of government suitable for a small town or thinly-peopled country neighbourhood apply exactly to cities with half a million of inhabitants, possessing unique resources and presenting unique problems. But all other boroughs should be constituted separate unions. All the remaining areas of local administration smaller than the county, might then be abolished with certain reservations in favour of the parish. The highway and the burial district would then be altogether superfluous. In every union other than a borough or a local board district we should have to appoint a local board. Each county would then be divided into boroughs and local board districts. The total number of such districts in each county would vary, but may be set down on the average at thirty.

In every place there would then be one and the same simple area for all purposes of local government, and in this area one, and only one, authority,—the council in a borough—the local board in every other union which would unite in itself all the powers and duties now vested in the overseers, in the guardians of the poor, and in the sanitary, burial, highway, and school board authorities, as well as all the powers at any time conferred on various local authorities by the Lighting and Watching Act, by the Acts passed to encourage the establishment of public baths and washhouses, free

libraries and museums, and by many other Acts too numerous and too obscure to be recited here. Charged with all these functions, the new authority would enjoy a power, and therefore a dignity, greater than now attaches to any local authority. The new local board, as compared with the old, might need increased numbers and a partition of its duties between district or departmental committees. But the organization of each committee, its scope of action and degree of independence, could only be determined by ripe consideration, and might be in part referred to the discretion of each local authority. A certain independence each committee should possess, in order that it may present any attractions. For those who served upon them would bring or would gain a better knowledge of particular places or subjects, and would not like to see their decisions reversed by members less familiar with the grounds on which they had decided. For this reason it might be well that the acts of each committee should be valid without confirmation by the board, although liable to be suspended or reversed by a majority of the board, or on the application of a sufficient minority of the committee itself.

The reform, thus roughly sketched out, would substitute one authority, acting for distinct purposes through distinct committees, for a number of authorities acting without any principle of concert or subordination. The Imperial government has for ages been carried on by a number of departments, which take their instructions

from, and render their accounts to, one supreme power. That power alone can tax and spend. That power does, or may, take a comprehensive view of the national burdens and resources. That power stands before the whole nation, conspicuous and responsible. In the affairs of private men the same maxims prevail. Every great business is carried on by the distribution of duties and by the concentration of power. The true principles of local government cannot contradict the true principles of all other government and of all other business. In local affairs, at any rate, the reformer is the true Conservative, for he wants to apply rules which have answered since the world began. He seeks rather to set up than to change a local government, for now too often there is no local government worthy of the name.

It remains to inquire what should be the constitution of this new primary authority. Its establishment would rid us of the multitude of elections, the variety of the modes of voting, and the variety of degrees of voting power. Every ratepayer should have one vote, and no more. The voting power of those who own property should be made less invidious in form, and more certain in effect. For those financial reforms, of which we shall speak hereafter, will bring personal as well as real property, the owner as well as the occupier, within the range of direct local taxation.

Property may with justice claim to be much more largely represented in the local than in the Imperial

Parliament. All citizens, indeed, have a heavy stake in the efficiency of the local administration; and in so far as it provides for health and education, it most concerns the poorest people. The occupying ratepayer, again, always will and always should take the largest share in the election of local authorities. But a great deal of the work done by such authorities, that part of their work on which they spend most money, is more in the nature of the management than of the protection of property. In the old times, when a man built his house he sunk his own well and his own cesspool; nowadays, the community brings water to his very door, and carries off his sewage in the common sewer. Those who have the benefit of this service should pay for it, should know what they pay, and should be taught to understand and care about the way in which it is done. Our constitution recognizes the fact that the Imperial Parliament is chiefly concerned with legislation, and the local parliament with administration, including the management of property. For whilst members of Parliament are elected by household suffrage alone, in many local elections we have the plural vote; *ex officio* members sit upon the board of guardians, and the county government has been left altogether in the hands of the magistrates.

Nobody would wish to continue these arrangements unaltered. But if the taxation and representation of property were made more direct and systematic, the one would be more economical, the other more effective,

and both more just than they are now. The owners of property might then claim to elect a certain proportion of the town council or local board. Already, in the election of local boards and boards of guardians, they enjoy a voting power up to a certain limit graduated according to the amount of their property.

As to the members of the new local board, every one entitled to vote in their election should be himself capable of election. They should hold office for a term of four years. A local authority thus constituted might feel some pride in its work, and awaken some interest in its constituents. Such a local authority would offer a visible mark for criticism, for praise, or for blame; it would have the means of doing great good; it would attract the able, the ambitious, and the public-spirited. A place in its councils might introduce to a place at the county board, and either might prepare for a seat in the Imperial Parliament. By its means a public career might be made possible elsewhere than in London and one or two huge provincial cities; the smouldering heat of local patriotism might be fanned into a steady fire; and the people might be taught to conceive freedom in that noblest sense in which it signifies less the right to do whatever one pleases than the right to take part in the affairs of the State, to bear its burdens, and to find a reward in its grandeur and prosperity.

CHAPTER II.

THE COUNTY BOARD.

THE reformation sketched out in the preceding chapter would alone have an immense effect upon local government. Yet it would not be complete. However well defined the lesser area, and however well constituted its authority, the larger area and the higher authority are just as needful as before. In some respects they present fewer difficulties to the reformer. The only possible area of the larger size is the county, and the only government possible for the county is one more or less representative. The scope for difference of opinion is thus greatly reduced ; yet some doubtful points remain, which cannot be passed over in silence.

One such point arises with regard to the area of the county. Under any scheme of reform, it has already been said, our great cities must be specially dealt with. Hitherto all boroughs have been upon much the same footing. Some have had separate commissions of the peace, or separate quarter sessions, and some have been made counties of cities. But these differences have

but a limited importance. The present county governments are neither powerful nor representative ; they do not much intermeddle with boroughs, and boroughs have been content to be treated pretty nearly alike. But when the county government has become representative, and upon the county board place has to be found for members from every community within the county ; when the county board has become active and powerful, then the relations between the county and any great city within its limits will be somewhat hard to adjust. Some of our great cities contain a very large proportion of the inhabitants of the counties in which they are situated. If their representation on the county boards is adequate to their numbers, wealth, and general importance, they might sometimes overrule the wishes of every other community represented there ; if their representation be made equal to that of any other town or district, they might feel themselves humbled and powerless. Clearly a borough with 500,000 inhabitants, and a borough with 5,000, cannot be put on the same footing. Clearly, too, the agricultural classes must not be outvoted at the county board by the townspeople of perhaps a single great town, situated in one corner of the county, and by its industries connected with possibly another county and with interests altogether different.

This is a difficulty which must be overcome. It might be overcome by taking a hint from our past history. Many of the towns which were of most weight in the Middle Ages became counties or cities. They

were raised to the rank of counties. Why should we not follow out the same principle, and give to the town council in every town of 100,000 inhabitants or upwards the rank and powers of a county board? The town council of such a town cannot be the sole administrative body in the town. It must be assisted by subordinate authorities, and its proper business is as important as the business of a small county. The highest authority in Leeds or Manchester need not be put lower than the highest authority in Radnor or Rutland. Nor need the farmers of Warwickshire find themselves at every point outvoted by the multitudes of Birmingham. Let us recognise the greatness of our great cities, and, instead of treating the modern Bruges or the modern Nuremburg like paltry market towns, let us treat them as equivalent each to a great province—to Kent, or Lincoln, or Devon. In this way justice will be done to their vigorous life and ample resources, and yet without impairing the freedom of rural districts, and of the second-rate and third-rate towns inseparably bound up with them.

England and Wales contain about twenty towns of 100,000 inhabitants or upwards. Some of these towns are aggregates of smaller towns, each of which has its town council, but need not be reckoned a separate county. Thus Plymouth and Devonport, or Manchester and Salford, or Newcastle and Gateshead, make but one city. Probably there would not be altogether twenty boards for counties of cities. In establishing such

boards, we should do for the great provincial towns what it has been proposed to do for the capital. Doubtless the relations between the county authority and the authority for a great town would not be quite like the relations between two county authorities of the ordinary kind. They would be matter for much consideration and careful adjustment. But they could be adjusted. A great city and its adjoining county can treat as equals; but the city will never consent to become a mere primary area in the county; nor will the county submit to be the market garden and common of the city.

For the purposes discussed in the present chapter, all towns of less than 100,000 inhabitants, and all liberties, should be included in the counties. And with these slight and easy alterations the county will be a very convenient area.

The constitution of the county authority needs more consideration.

The general public desires the creation of a body intermediate between the primary local authorities and the Imperial Government, empowered to deal with all matters in which those authorities have common or conflicting interests, able to do most of the work of control and supervision now done by the Local Government Board, and—this is important—perhaps competent to take over some of the duties of Parliament with respect to private bills and provisional orders.

These requirements can be met only by adopting a thoroughly representative scheme of government. The principle of such a scheme was accepted by Parliament in the years 1877 and 1878. The details give rise to a great variety of opinion. Almost everybody who has propounded a plan seems to think that the justices should elect some members of the county board, although not necessarily out of their own body. The members so elected might be regarded as peculiarly the representatives of the owners of property. The remaining members would be elected by the general body of ratepayers.

Here again there has been much controversy between those who prefer direct, and those who prefer indirect election. The indirect method occasions less trouble and expense. It may be supposed to guarantee that the electors are qualified to judge of the candidates. But it does not fix the interest of the people, and those elected upon it are apt to represent too exclusively the majority of the intermediate electing body. Direct election would secure against these dangers. Yet if the county board were chosen on the direct method, the local board or town council would lose in dignity. For in that case those who wished to sit at the county board would not have to pass through boards of lower rank. Thus inasmuch as it is equally important on the one hand to make the county board thoroughly representative, and on the other hand to secure for our local administration, as well in the lower

as in the higher stage, the service of our best men, we might well accept a compromise between the direct and the indirect methods of election. One-third of the members of the county board might be chosen by the justices, and two-thirds by the ratepayers. Of the members representing the ratepayers, half might be elected on the direct, and half on the indirect method. How many members the county board should contain must be determined separately for each county. Their term of office might be fixed at four years. The details of their organization may be left to the schedules of Acts of Parliament.

Some distinguished persons have expressed a doubt whether county boards once constituted would have anything to do. If established before any steps had been taken towards a general reorganization of local government, they might find time heavy on their hands. But established in the course of such a reorganization, they need not be idle. They should of course take over all the administrative work of the quarter sessions. But this work would be in so many ways modified and augmented that it will be simpler instead of reckoning changes and additions briefly to recapitulate all the chief duties which would fall to the county boards.

In the first place, therefore, the county boards should direct and control the valuation of property made for the purpose not only of the poor rate, but also of all other local rates and contributions. In the following

chapter it will be seen that the establishment of a single universal valuation and the consolidation of all the numerous local rates now levied, are the first and most necessary measures to be taken in the reform of local finance. In the second place, the county boards should take charge of all workhouses and administer indoor relief. An unjust burden is now thrown upon the rural parts of unions partly urban. The urban part of such a union often contributes less to the rates than to the pauperism. Again, the townsman pays poor rates upon a ratable value which is equivalent only to a part of his income, the farmer upon a ratable value perhaps greater than his whole income. These inequalities of the present system would be softened by transferring to county boards all indoor relief of the poor. And, again, the guardians who are now unwilling to apply the workhouse test would be more ready to do so when the expense fell not on their union but on the county. This subject will be more fully examined in the next chapter.

The county board should be entrusted with the management of asylums, and with the maintenance of county buildings. For these purposes the powers now vested in the justices would be quite sufficient. It should also have a large share in the maintenance of highways. Even our laws relating to local government can show no stronger instance of clumsiness and confusion than the Acts relating to highways. Can anything be more ridiculous than a system which places

under one authority the fabric of a bridge, and under another authority the roadway supported by that fabric? Can anything be more fatuous than a distinction between bridges built before and bridges built after the year 1836? Has a bridge any meaning or any use except in so far as it enters into and is part of a highway? Does one company make and maintain railway bridges, and another company make and maintain cuttings and embankments? And the above is but one of the many absurdities which garnish our statutes on this subject. All this complicated nonsense should be swept away. The division of highways into the two classes of main and other roads should be carried out on a uniform plan for the whole kingdom. The main roads, with their bridges, should be placed in the charge of the county board. All other roads and bridges should be handed over to the local boards and town councils.

Again, the county board would be the natural and proper trustee of all charitable foundations within the county. It would be the proper body to see that these foundations fulfilled their original purpose, as long as they could do so with advantage, to lay before the Charity Commissioners schemes for their reformation, when, through the change of circumstances, they had become useless, and to carry out such schemes as the Commissioners should finally sanction. There could be no more honourable and useful function for a reformed county government. Everybody knows what splendid

presents and bequests are often made to municipal authorities as trustees for the public. Everybody knows that the spirit as well as the objects of benevolence are to be found in the country as well as in the town. But nobody can expect men to make great sacrifices without an assured prospect of doing good to others. And at the present day there is in the county no authority qualified to act as trustee of charitable foundations, to receive new or to amend the application of old gifts. Old charities have often become useless or even hurtful, and new charities are discouraged. This is one of the many ways in which the disorganization of local government has retarded the progress of rural England.

The county board should have the responsibility of granting licenses to sell intoxicating liquors—a responsibility likely to become more onerous. It should have power to approve, and, in some degree, control the budgets of the lesser local authorities. The form which this control should take can be better considered hereafter. It should draw up schemes for such changes in local organization as may from time to time be required. It should watch, and, if needful, intervene in legislation affecting watersheds, drainage, rivers, railways. It might perhaps be entrusted with power to legislate under conditions defined by Act of Parliament for undertakings to be carried out wholly within the county. Time and the changes of things would continually lay new duties upon it. If these suggestions

are not wholly misleading, the county board will have enough to do.

By the reconstruction of the county government the reform of local areas and authorities would be completed. Once more let it be repeated, that without a thorough renovation of the minor authorities, the county boards will not repay the trouble of setting them up. As the final outcome of such a renovation they may be invaluable. For this renovation the time cries aloud. There is no reason why the reformer of our local government should stay his hand. Its faults are gross and palpable. They do not appeal to historic sentiment; they hinder in a thousand ways our present well being. An old system may have some claim to forbearance; an ignoble chaos should be ruthlessly abolished. The first and greatest merit of any measure which deals with the accumulated anarchy and confusion of local affairs is to be stringent and sweeping. Half-measures have fostered all the vices of our local administration; and only whole measures will restore it to health and vigour. Such measures must include even more than has been suggested in this and the preceding chapter. We have not yet touched upon the reconstruction of local finance. So vast a subject claims at least a separate chapter to itself.

CHAPTER III.

THE REFORM OF LOCAL FINANCE.

WITHOUT a sound system of finance, good government, local or Imperial, cannot be had. At present we put up with a condition of local finance which violates all the fundamental rules of public and private economy. In one and the same district many different authorities have power to institute valuations, to tax, and to spend. Each of these authorities has its own system of accounts, and may have its own machinery for collection. The returns collected and published by the Central Government, although much improved of late years, do not yet enable the ordinary reader to grasp the details of the subject. They are not brought down to any very recent date, nor all to the same date. They are necessarily bulky and intricate, published in a form and at an expense which puts them beyond the reach of any numerous public. Yet only by studying these returns can any one find even approximately, for no one can find exactly, the state of finance in his locality. For the local authorities do not publish their budgets ; nor even

if these were published without being brought together would their countless petty budgets be intelligible to anybody but an expert. Such are the formal defects, as we may term them, of local finance.

The substantial defects of local finance are equally grave. The assessment of rates on real, to the exclusion of personal property, and on occupiers rather than owners, is an accidental result of judicial interpretation or legislation, and is in itself unjust. The cost and the gain of improvements are not always distributed in due proportion.

The reform of local administration will open the way for the reform of local finance. If there were in each district only one primary authority, there would then be in each district only one machinery for collecting the rates, only one system of accounts to keep, and only one valuation. This valuation should be made by the primary authority under the superintendence of the county board. The many rates now levied, should, as far as possible, be merged in a single consolidated rate. It has been already mentioned that almost all rates save one are levied uniformly on all ratable property. The great exception is the general district rate, levied by the local boards now existing, and assessed on the principle of exempting railways, canals, and agricultural land to the extent of three-fourths of their value. This unequal assessment is defended on the ground of the unequal benefit which different sorts of property derive from the works on which the proceeds of the rate are spent. It

might, therefore, prove most equitable, and would certainly occasion the least disturbance, to divide the consolidated rate into two parts, the one to be levied on the same basis as the poor rate, the other on the same basis as the district rate. In this way, moreover, the reform of local finance might be accomplished without unsettling the parliamentary and municipal franchises, which are based upon payment of the poor rate.

These changes would make our local finance simple and intelligible, and so lay it open to public criticism. This criticism might be made yet more easy in the following manner :—In each county the various primary authorities and the county board should cause to be made out and published at a fixed period full estimates of income and expenditure for the ensuing year. The estimates prepared by the primary authorities should be sent to the county board and Local Government Board. The estimates prepared by the county board should be sent to the Local Government Board, and to the various primary authorities within the county. After they had thus undergone a scrutiny, copies of the estimates, both for the primary authority and for the county board, should be kept at their respective offices, to be freely inspected by any one whom the rate, levied under such estimates, might concern. The same course should be followed with reference to the audited accounts of these authorities. Nothing could contribute more to the good husbandry of the public wealth than a system of this kind, enabling every ratepayer to

see at a glance how much he would have to pay, and what he might expect to get in return. For in local, as well as in Imperial finance, there will always be extravagance where there is no publicity. Once freed from sharp and unceasing criticism, a representative government can be more wasteful, not to say more corrupt, than a despotism. It becomes a many-headed despotism. As matters now stand, this saving criticism cannot be brought to play upon our local finance. Without knowledge, criticism is an impertinence; and it has been seen what difficulties now lie in the way of getting the knowledge needed for criticism of local economy. Few have the leisure, still fewer have the patience, to acquire this knowledge. The reformer's first duty is greatly to facilitate the getting of this knowledge, and thus to bring those who raise and spend the local revenue within the reach of a severe but reasonable public opinion.

z This annual budget of local finance, brought forward and discussed at a fixed period of the year, is so essential a part of any orderly and useful system of local government, that it may be enlarged upon a little further here. The local board, whether of district or of county, should receive from its committees the estimates of their financial wants for the coming year, on, say, the 30th of September, and should then publish them. But the estimates should not come into effect for three months, say, until the 1st of January; and in the meantime they would be discussed, and the objections to them, if any,

by ratepayers, county board, or Local Government Board, would be considered. The consideration of finance would bring with it that of past policy and of any instructions to be given to the committees, or rules to be laid down for their guidance in the coming year. The annual debates on these topics would naturally attract public attention, and ensure public watchfulness, such as cannot now attach to the multifarious action of innumerable authorities, and to their generally uninteresting and unreported debates. Such publicity and full consideration have been shown by experience to make quite unnecessary the amount of interference on the part of the central power now endured as the less of two evils.

If, as was done for one or two sessions a few years ago, these debates on local budgets were supplemented by an annual debate in Parliament on the vote for contributions towards local expenditure, apart from the debate on the national budget, we should have further security against abuse and aid to improvement; for the President of the Local Government Board might then hold up improvements for imitation and abuses for censure, and show how dangers may be shunned or progress secured.

The above would be powerful checks upon the growth of local taxation. But the growth of local indebtedness is a worse evil. It cannot be stopped, but it might be retarded by an enactment that no

debt borrowed by any local authority must be repaid within thirty years from the date of borrowing. A term of repayment extending to 60, 80, or 110 years is, for all practical purposes, the same as no term of repayment at all. The central government of this, and of other countries, is cursed with the fatal power of borrowing without repaying, of heaping upon unborn generations the accumulated weight of our imprudence or misfortune. But that is no reason why any local authority should have the same pernicious freedom. It has no business to borrow any sum of which it cannot repay the thirtieth part in a year.

It is not only of heavy taxation, unlimited liabilities, and profuse outlay, that the ratepayer may justly complain. The present incidence of local burdens rests on no principle of equity. Some of the principles on which it should be readjusted are not far to seek. The following changes might go far to mitigate the present hardship:—

1. Personal, as well as real property, should be made to contribute to the expenses of local government.
2. Owners, as well as occupiers, should be made to contribute directly to the rates.
3. Those who are specially benefited by certain local contributions should also be specially charged with the cost.

These changes can best be considered one by one.

1. It may be assumed that personal as well as real property should contribute to the expenses of local government. But how can this be effected? Neither political economists nor men of business would consent to give to our local authorities any power of indirect taxation. But the income tax is derived from every description of property, and, by charging upon the income tax whatever sums the Imperial granted in aid of the local treasury, we should relieve the pressure of rates upon real property. This relief, however, would not be enough unless the sums so granted were much larger than they are now. Here we meet in a more formidable shape the difficulty already dwelt upon—the difficulty of supplementing local revenue without encouraging local prodigality. Merely to set aside for local purposes a branch of the Imperial revenue does no good. It should be so assigned as not to impair the motives to thrifty local administration. The best way of doing this will have to be considered a little further on.

2. Next to adjusting the balance of taxation as between real and personal property, it is expedient to adjust that balance as between owners and occupiers. In the present state of affairs, the owner has over the occupier always an apparent, and sometimes a real, advantage. In the end he suffers for having this advantage, since it hinders him from seeing how great is his stake in the right administration of local affairs, and so seduces him to neglect his duty in the

public service. Such neglect on the part of those who enjoy more wealth and leisure than almost any other class is as dangerous as it is discreditable. Indeed, the proposal to divide the payment of rates between owners and occupiers is a truly conservative one. It has been recommended by two committees of the House of Commons in two successive Parliaments,—in a Liberal Parliament for England in 1870, in a Conservative Parliament for Ireland in 1878,—and was adopted by Mr. Goschen in his Bill of 1871. A proposal founded on the same principle was made as far back as the year 1843 in a report of the Poor Law Commissioners upon Local Taxation, signed by Sir George Nicolls, Sir George Cornwall Lewis, and Sir Edmund Walker Head.

Landowners assert that the rates levied on agricultural land are, for the most part, ultimately paid by the owner. If so, it is for the good of the owner that he should pay in form what he pays in substance. It is for his good that the rise and fall of rates should come home directly to him, that the local authorities should not load the land with heavy debts, perhaps not to be discharged for generations, and, above all, that he should be roused out of that apathy with which he too often views the management of local affairs.

In applying this principle to existing tenancies, it would be only fair to draw distinctions. With regard to tenancies for long terms, which commenced before the great increase in rates, consequent upon the acts

dealing with public health and elementary education, where the rents were not fixed in contemplation of the new and heavy burdens laid upon real property; it seems unjust that the occupier should go on bearing these burdens alone. With regard to recent leases, entered into by both parties with a full knowledge of these impositions, it seems no less unjust that the owner should at once be charged with half the rates. Again, if a half of the rates were at once thrown on the owner, a general termination of tenancies from year to year, and a rise of rents answering to the added burdens of the owner, might ensue. Justice and expediency seem both to demand a compromise. It might be practicable to arrange that in the case of existing tenancies, the owner should be charged immediately with one-fourth only of the rate, and not with the other fourth until the expiration of ten years, or of some similar period.

(3) Those who are specially benefited by local improvements should also be specially charged with their cost.

The expenses of gas and water supply are already in many instances more than defrayed, not by a rate in the proper sense of that term, but by a charge for their consumption. The principle already applied to gas and water supply should be applied thereto on a larger scale, and should be further applied to the making and maintaining of sewers by the local authority. This principle of making people pay in proportion to the

benefit received, seems fairer than the principle of special districts, with a uniform rate, which must be arbitrarily formed, and may become the means of doing great injustice. If the former were adopted, such works as those above named could be carried out in places where they could be carried out in no other way. For instance, a better supply of water to a village is felt to be necessary. The requisite measures are opposed by persons who dwell in the same area, but at such a distance that they can reap no benefit. If the principle of payment for benefits received were adopted, they would oppose no longer. It would provide for a portion of local expenditure already amounting to several millions a year, and always on the increase. It could not, indeed, be applied to the annual charge for existing water or sewerage works, in so far as this charge represents the cost of construction, and not the cost of maintenance and supply. For the cost of construction cannot fairly be shifted to the consumer from the ratepayer without the consumer's consent. But this exception would only make it necessary to state in the demand note, under a separate head, the charge in respect of capital.

Thus far concerning the best methods of rectifying the incidence of local taxation. If the grants from the Imperial treasury are to be continued and increased, care must be taken not to encourage extravagance. Several expedients for this purpose

might be suggested, but only one or two can be touched upon here.

The State might contribute to the charge of indoor, as opposed to outdoor, relief of the poor. Every one will allow that, of all modes of local expenditure, the administration of outdoor relief is the most open to abuse, and that its abuse is most mischievous and demoralising. Yet a false economy often induces the guardians of the poor to grant outdoor more readily than indoor relief, and, in spite of all criticism, to persevere in corrupting the public at the public expense. Outdoor relief generally deserves to be thus stigmatized, for it spends public money in encouraging the indolent and careless. It induces many to remain as hopeless paupers in their old homes, instead of going to other places where they could find employment. It is unfair to the independent poor, because it exposes them to the competition of those who live partly on the rates and partly on their own miserable earnings. On the other hand, a wise economy in outdoor relief has accomplished wonders. The late Sir Baldwyn Leighton has shown how the exercise of such economy in the Atcham Union reduced the number of outdoor paupers from 1,195 in 1834 to 139 in 1870, and reduced the outlay in poor relief from £9,800 for the year 1837 to £4,200 for the year 1868. At the present time, the proportion of paupers to population in the Atcham Union is only one-third of the average proportion elsewhere. And upon excellent authority it has been com-

puted that a like economy, followed by boards of guardians throughout the kingdom, might effect a saving of from £2,000,000 to £3,000,000 a year.

Since, therefore, a strict administration of outdoor relief is on every ground desirable, each union or parish should be left to bear the whole cost of outdoor relief. But outdoor and indoor relief stand on different footings. A well-managed workhouse is, from its very order, discipline, and work for the able-bodied, distasteful to the idle and dissolute. The character of the management is at once revealed to an experienced eye by a few simple tests. And the State can contribute to the expense of indoor relief without encouraging the guardians to be extravagant. An Imperial capitation grant for every person receiving indoor relief, less than the smallest sum sufficient for his proper maintenance, but enough to do away with the delusive apparent economy of outdoor relief, would not be open to exception. It would not weaken the motives to a thrifty management of the union. For every saving which the local authority could effect would still be felt by the ratepayers, and the local authority would be more disposed than at present to apply the workhouse test where on sound principles it was desirable to do so.

If the Imperial Government thought fit to assist the local authority to any further extent, it might contribute to the payment of superior officers, such as the clerks to guardians, relieving officers, or masters, matrons, and trained nurses in workhouses and workhouse

hospitals, to the payment of all such officials as require a special training or hold responsible posts. It might give these subsidies on such conditions as would ensure the fitness of the public servants whom it paid. But all contributions by the Imperial to the expenses of the local government should fulfil the same conditions. Instead of smoothing a way for sloth and carelessness, they should be the rewards of industry and economy. It has been seen that they should be so charged on the Imperial revenue as to lighten the present unfair impositions upon real property.

The above suggestions for the reform of local finance may be summed up as follows:—The reform of local finance requires that within the limits of each area there should be only one taxing and spending authority, only one valuation, one rate, one machinery of collection, one system of keeping accounts and making returns, one inflexible rule in the preparation and publication of estimates. The reform of local finance also requires that grants from the Imperial Treasury should be given on terms which promote local economy, and on condition of good and careful local administration; that personal as well as real property should contribute to local expenses; that the owner as well as the occupier should be directly rated; and that, so far as possible, those who are more especially benefited by local expenditure should more especially contribute to local income. A reform which satisfies all these conditions is perhaps

as complete a reform as circumstances allow ; and no reform which falls short of satisfying these conditions can place our local economy on the best and soundest footing.

In the course of this volume, and particularly in this chapter, it has often been necessary to insist upon the wastefulness of our local finance as it now stands. But there has been no intention of advocating a stingy or sordid local administration. To spend great sums on great objects is often the truest and best economy. Everything which we spend on the health and education of our people is wisely spent, so long as it is spent to the best advantage. So long as it is spent to the best advantage ; there lies the gist of the matter. At present things seem contrived on purpose to prevent our local revenues from being so spent ; or if they are so spent, to keep the ratepayers in ignorance of the fact. This is the real grievance ; this is what we want remedied. Fairness where there is now caprice ; order where there is now confusion ; publicity where there is now mystery, —these are the very smallest benefits which we ought to expect from the reform of local finance.

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